(4) (4)

Nos. 90-1126, 90-1435 Consolidated

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1991

BARBARA J. NORMAN, et al.,

Petitioners,

v.

DOROTHY REED, et al.,

Respondents.

COOK COUNTY OFFICERS ELECTORAL BOARD, et al.,

Petitioners,

v.

DOROTHY REED, et al.,

Respondents.

On Writ Of Certiorari To The Supreme Court Of Illinois

JOINT APPENDIX

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Petition For Certiorari In No. 90-1126 Filed October 19, 1990; Petition For Certiorari In No. 90-1435 Filed March 11, 1991; Certiorari Granted May 20, 1991

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION

DOROTHY REED, et al., Petitioners, v. STANLEY T. KUSPER, JR., et al., Respondents.
Case No. 90 CO 238 and

BARBARA J. NORMAN, et al., Petitioners, v. STANLEY T. KUSPER, JR., et al.,
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RELEVANT DOCKET ENTRIES

Date	Filed By	Description
9/6/90	Reed	PETITION for Judicial Review of Electoral Board Decision, No. 90 CO 238
9/10/90	Norman	PETITION for Judicial Review of Electoral Board Decision, No. 90 CO 244
9/11/90	Reed	MEMORANDUM in support of Petition for Judicial Review
9/13/90	Court	ORDER acknowledging filing of Record of Proceedings of the Cook County Officers Electoral Board and consolidating cases 90 Co 238 and 90 CO 244
9/17/90	Norman	MEMORANDUM in opposition to Petition for Judicial Review
9/20/90	Court	ORDER and MEMORANDUM of Opinion affirming in part and reversing in part the decision of the Cook County Officers Electoral Board
9/24/90	Norman	NOTICE OF APPEAL.
9/25/90	Reed	NOTICE OF CROSS-APPEAL.

9/27/90	County Officers Electoral Board	NOTICE OF JOINING APPEAL.

IN THE APPELLATE COURT OF ILLINOIS,
FIRST JUDICIAL DISTRICT

Case No. 1-90-2708
DOROTHY REED, et al., Appellees, vs. STANLEY T. KUSPER, JR., et al., Appellants.

RELEVANT DOCKET ENTRIES

Date	Filed By	Description
9/26/90	Court	ORDER granting stay of Circuit Court decision.

SUPREME COURT OF ILLINOIS

Case No. 70833.
DOROTHY REED, et al., Appellees, vs. STANLEY T. KUSPER, JR., et al., Appellants.

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Date	Filed By	Description
9/25/90	Reed	MOTION for Direct Appeal to Supreme Court
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BIND HERE

2372

PETITION FOR NOMINATION AND TO FORM A NEW POLITICAL PARTY

We, the undersigned, duly qualified and registered voters of the City of Chicago, County of Cook, State of Illinois, do declare that it is our intention to form a new political party in the County of Cook to be known and designated as the

HAROLD WASHINGTON PARTY

and we do also petition that the following named persons shall be candidates of the **HAROLD WASHINGTON PARTY** for the offices hereinafter specified in and for the County of Cook, State of Illinois, to be voted for at the General Election to be held on the Sixth day of November, A.D., 1990.

NAME	OFFICE	ADDRESS
BARBARA J. NORMAN	PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY	9228 South Colfax Avenue, Chicago, Illinois 60617
JANICE H. ROBINSON	STATES ATTORNEY OF COOK COUNTY	2113 West 119th Street, Blue Island, Illinois 60406
DONALD PAMON	ASSESSOR OF COOK COUNTY	7010 South Bennett Avenue, Chicago, Illinois 60649
HELDIA R. RICHARDSON	CLERK OF COOK COUNTY	10023 South Calumet Avenue, Chicago, Illinois 60628
TOMMY BREWER	SHERIFF OF COOK COUNTY	846 Sheridan Square, Evanston, Illinois 60202
CHARLES W. ALEXANDER	TREASURER OF COOK COUNTY	12345 South State Street, Chicago, Illinois 60628
DOROTHY C. HOGAN	SUPERINTENDENT OF EDUCATIONAL SERVICE REGION OF COOK COUNTY	300 North State Street, Apt. 5820, Chicago, Illinois 60610
WILL LAWRENCE	COMMISSIONER OF THE BOARD OF APPEALS OF COOK COUNTY	2921 South Michigan Avenue, Apt. 411, Chicago, Illinois 60616
KENNETH G. HOPKINS	COMMISSIONER OF THE BOARD OF APPEALS OF COOK COUNTY	8556 South Muskegon Avenue, Chicago, Illinois 60617
R. EUGENE PINCHAM	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	9316 South Michigan Avenue, Chicago, Illinois 60619
ROBERT E. PINCHAM, JR.	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	9316 South Michigan Avenue, Chicago, Illinois 60619
BARBARA J. NORMAN	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	9228 South Colfax Avenue, Chicago, Illinois 60617
PERCY V. COLEMAN	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	12842 South Morgan Street, Chicago, Illinois 60643
VIVIAN D. STEWART-TYLER	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	4319 W. West End Avenue, Apt. 1, Chicago, Illinois 60624
JAMES A. DEANES	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	5418 West Gladys Avenue, Chicago, Illinois 60644
DINO F. McNEAL	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	6900 South Michigan Avenue, Chicago, Illinois 60637
MARY KING CRISS	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	2652 West Jackson Blvd., 2nd Floor, Chicago, Illinois 60612
DAVID T. PERSONS	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	6730 S. South Shore Drive, Apt. 801, Chicago, Illinois 60649
HELEN E. JONES	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM THE CITY OF CHICAGO)	6812 South Champlain Avenue, Apt. 1104N, Chicago, Illinois 60637

	SIGNATURE	STREET AND NUMBER	CITY, TOWN, OR VILLAGE	COUNTY
1	Sandra Shannon	8418 S. Kostner	CHICAGO	COOK COUNTY ILLINOIS
2	Donald E. Jackson	9443 So. Leflin	CHICAGO	COOK COUNTY ILLINOIS
3	Clarence Bayley	8907 So Parnell	CHICAGO	COOK COUNTY ILLINOIS
4	[illegible]	7816 S Throop	CHICAGO	COOK COUNTY ILLINOIS
5	[illegible]	7959 So. Eggleston Ave	CHICAGO	COOK COUNTY ILLINOIS
6	Ruby L Jones	9047 S. Parnell	CHICAGO	COOK COUNTY ILLINOIS
7	Wanda Flower	7734 S. Vincennes	CHICAGO	COOK COUNTY ILLINOIS
8	Linda Wilson	7846 S. CREGIER	CHICAGO	COOK COUNTY ILLINOIS
9	Lesi Bridges	12223 S. Wentworth	CHICAGO	COOK COUNTY ILLINOIS
10	Charlotte Hartfield	12824 So Eliz St.	CHICAGO	COOK COUNTY ILLINOIS

AFFIDAVIT OF CIRCULATOR

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

I, ROEMELL WOOTEN (print name of circulator), do hereby certify that I am a registered voter of the City of Chicago and that I reside and am registered to vote at 7207 W. 79th St. (house number, name of street), in the City of Chicago, County of Cook, and the State of Illinois, and that the signatures on this sheet were signed in my presence and are genuine, and that none of the signatures on this sheet were signed more than 90 days preceding the last day for filing of this petition, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the City of Chicago, State of Illinois, and that their respective residences are correctly stated as above set forth.

Roemell Wooten
(signature of circulator)

Subscribed and sworn to before me, this 31 day of July, A.D., 1990 by ROEMELL WOOTEN.
(print name of circulator)

Veronica R. Hammond
(signature of Notary Public)

OFFICIAL SEAL
VERONICA R HAMMOND
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. JULY 20,1994

SEAL

My Commission Expires on _____

SHEET NO. 5/6

Form of Harold Washington Party County/City Petitions (Remaining sheets omitted in printing)

Form of Harold Washington Party County/Suburban Petitions (Remaining sheets omitted in printing)

5

X ..... BIND HERE X

PETITION FOR NOMINATION AND TO FORM A NEW POLITICAL PARTY

We, the undersigned, duly qualified and registered voters of the County of Cook outside of the City of Chicago, State of Illinois, do declare that it is our intention to form a new political party in the County of Cook to be known and designated as the

HAROLD WASHINGTON PARTY

and we do also petition that the following named persons shall be candidates of the **HAROLD WASHINGTON PARTY** for the offices hereinafter specified in and for the County of Cook, State of Illinois, to be voted for at the General Election to be held on the Sixth day of November, A.D., 1990.

NAME	OFFICE	ADDRESS
BARBARA J. NORMAN	PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY	9228 South Colfax Avenue Chicago, Illinois 60617
JANICE H. ROBINSON	STATES ATTORNEY OF COOK COUNTY	2113 West 119th Street Blue Island, Illinois 60406
DONALD PAMON	ASSESSOR OF COOK COUNTY	7010 South Bennett Avenue Chicago, Illinois 60649
HELDIA R. RICHARDSON	CLERK OF COOK COUNTY	10023 South Calumet Avenue Chicago, Illinois 60628
TOMMY BREWER	SHERIFF OF COOK COUNTY	846 Sheridan Square Evanston, Illinois 60202
CHARLES W. ALEXANDER	TREASURER OF COOK COUNTY	12345 South State Street Chicago, Illinois 60628
DOROTHY C. HOGAN	SUPERINTENDENT OF EDUCATIONAL SERVICE REGION OF COOK COUNTY	300 North State Street, Apt. 5820 Chicago, Illinois 60610
WILL LAWRENCE	COMMISSIONER OF THE BOARD OF APPEALS OF COOK COUNTY	2921 South Michigan Avenue, Apt. 411 Chicago, Illinois 60616
KENNETH G. HOPKINS	COMMISSIONER OF THE BOARD OF APPEALS OF COOK COUNTY	8558 South Muskegon Avenue Chicago, Illinois 60617
ROBERT E. BROOKS, JR.	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	3474 Western Avenue, Apt. B Park Forest, Illinois 60466
MELLO SAM H. CLORA	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	1504 South 1st Avenue Maywood, Illinois 60153
JUDY MARIE HAWTHORNE	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	362 Oswego Street Park Forest, Illinois 60466
CHESTER LeSURE	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	15915 Finch Avenue Harvey, Illinois 60426
CELIA DUNCAN	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	400 Cedar Ridge Lane Richton Park, Illinois 60471
DON C. PASSMORE, JR.	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	4918 Mission Drive Richton Park, Illinois 60471
BOBBIE J. SMITH	MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF COOK COUNTY (TO BE ELECTED FROM OUTSIDE THE CITY OF CHICAGO)	97 Norwood Blvd. Park Forest, Illinois 60466

	SIGNATURE	STREET AND NUMBER	CITY, TOWN, OR VILLAGE	COUNTY
1	Alice Young	1614 Ingrid Ln.	Chgo. Hts	COOK COUNTY ILLINOIS
2	Francet Harris	1622 Ingrid Ln.	Chgo. Hts	COOK COUNTY ILLINOIS
3	Tommy Young	1614 Ingrid Ln.	Chgo. Hts	COOK COUNTY ILLINOIS
4	King Smith	932 East 16th Street	Ford Heights	COOK COUNTY ILLINOIS
5	Lee Franklin	504 Lowe AVE	Chgo. Hts	COOK COUNTY ILLINOIS
6	Ted Moore Jr.	1424 Parnell Ave	Chicago Hts.	COOK COUNTY ILLINOIS
7	Bridgett R Eaton	1315 Mason Ct.	Chgo Hts	COOK COUNTY ILLINOIS
8	Patricia Bank	271 W Hickory St	Chgo Hts	COOK COUNTY ILLINOIS
9	C. Horton	1424 Green	Chgo. Hts	COOK COUNTY ILLINOIS
10	Estee Horton	1434 Green St.	Chgo Hts	COOK COUNTY ILLINOIS

AFFIDAVIT OF CIRCULATOR

STATE OF ILLINOIS
COUNTY OF COOK } ss

I, LAWRENCE STRINGFELLOW (print name of circulator), do hereby certify that I am a registered voter of the political division for which the candidates are seeking election; that I reside at, and am registered to vote at, 1105 PARKVIEW (Number and Name of Street), in Chgo. Hts, Ill. 60411 (Name of City, Town or Village), in the County of Cook, and the State of Illinois, and that the signatures on this sheet were signed in my presence and are genuine; and that none of the signatures on this sheet were signed more than 90 days preceding the last day for filing of this petition; and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the County of Cook, outside the City of Chicago, State of Illinois, and that their respective residences are correctly stated as above set forth.

Lawrence Stringfellow (signature of circulator)

Subscribed and sworn to before me, this 3rd day of August A.D., 1990, by LAWRENCE STRINGFELLOW (print name of circulator)

"OFFICIAL SEAL"
Thelma Galderio
Notary Public, State of Illinois
My Commission Expires 3/10/93

Thelma Galderio
Signature of Notary Public

My C[illegible]

SEAL

SHEET NO 1

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY, A NEW POLITICAL PARTY, AND TO EACH OF THE FOLLOWING CANDIDATES OF THE HAROLD WASHINGTON PARTY:

COUNTY-WIDE
BARBARA J. NORMAN
JANICE H. ROBINSON
DONALD PAMON
HELDIA R. RICHARDSON
TOMMY BREWER
CHARLES W. ALEXANDER
DOROTHY C. HOGAN
WILL LAWRENCE
KENNETH G. HOPKINS

INSIDE THE CITY OF CHICAGO
R. EUGENE PINCHAM
ROBERT E. PINCHAM, JR.
BARBARA J. NORMAN
PERCY V. COLEMAN
VIVIAN D. STEWART-TYLER
JAMES A. DEANES
DINO F. McNEAL
MARY KING CRISS
DAVID T. PERSONS
HELEN E. JONES

OUTSIDE THE CITY OF CHICAGO	)
ROBERT E. BROOKS, JR.	)
MELLO SAM H. CLORA	)
JUDY MARIE HAWTHORNE	)
CHESTER LeSURE	)
CELIA DUNCAN	)
DON C. PASSMORE, JR.	)
BOBBIE J. SMITH	)

VERIFIED OBJECTOR'S PETITION

Now come Dorothy Reed residing and registered to vote at 3670 South Wabash, Chicago, Illinois, 60653 and Valerie A. Sutton residing and registered to vote at 6431 South Greenwood Avenue, Chicago, Illinois, 60637; and Patton L. Feichter residing and registered to vote at 141 Hastings, Elk Grove, Illinois, 60007; and Ervin S. Ricks residing and registered to vote at 8721 Springfield, Skokie, Illinois 60076; and David Barrera residing and registered to vote at 11578 South Prarie [sic], Chicago, Illinois, 60628 (Hereinafter sometimes referred to as "Objectors") and each and all of them state that their respective addresses are as stated, and that each and all of them are legal voters of the County of Cook.

The Objectors, each and all of them, state that their interest in filing the following objections is that of citizens desirous of seeing that the election laws governing the filing of nomination papers for new political parties in the County of Cook are properly complied with.

The Objectors make the following objections to the nomination papers of the Harold Washington Party

("HWP"), a new political party in the County of Cook, and to each of the following candidates of the HWP –

COUNTY OF COOK COUNTY-WIDE:
BARBARA J. NORMAN – President of the County Board of Commissioners
JANICE H. ROBINSON – States Attorney
DONALD PAMON – Assessor
HELDIA R. RICHARDSON – Clerk
TOMMY BREWER – Sheriff
CHARLES W. ALEXANDER – Treasurer
DOROTHY C. HOGAN – Superintendent of Educational Services
WILL LAWRENCE – Commissioner of the Board of Appeals
KENNETH G. HOPKINS – Commissioner of the Board of Appeals

INSIDE THE CITY OF CHICAGO: [Member of the County Board of Commissioners – Cook County]
R. EUGENE PINCHAM
ROBERT E. PINCHAM, JR.
BARBARA J. NORMAN
PERCY V. COLEMAN
VIVIAN D. STEWART-TYLER
JAMES A. DEANES
DINO F. McNEAL
MARY KING CRISS
DAVID T. PERSONS
HELEN E. JONES

OUTSIDE THE CITY OF CHICAGO: [Member of the County Board of Commissioners – Cook County]
ROBERT E. BROOKS, JR.
MELLO SAM H. CLORA
JUDY MARIE HAWTHORNE
CHESTER LeSURE
CELIA DUNCAN
DON C. PASSMORE, JR.
BOBBIE J. SMITH

– all nominees of the HWP to be voted upon at the General Election to be held on November 6, 1990. The Objectors further state that said nomination papers are insufficient in law and in fact for the following reasons:

1. The pertinent provisions of §10-2 of the Illinois Election Code (Ill.Rev.Stats., Ch. 46, §1-1 et seq.) provide as follows:

> "In the case of a petition to form a new political party *within a political subdivision* in which offices are to be elected from districts and at-large, such petition shall consist of separate components for each district from which an officer is to be elected. . . . Each sheet of such petition must contain a *complete list of the names of the candidates of the party for all offices to be filled in the political subdivision, but the sheets comprising each component shall also contain the names of those candidates to be elected from the particular district.*"
>
> (Emphasis added)

The nomination papers seek to form a "new political party in the County of Cook." The County of Cook is a "political subdivision" (see, e.g., Election Code §1-3(6) and §7-4(6)). The nomination papers filed by the HWP consist only of two district components: (i) the component consisting of county-wide and "inside the city of Chicago" district non-judicial candidates; and (ii) the component consisting of county-wide and "outside the city of Chicago" district non-judicial candidates.

The nomination papers fail to list candidates for any of the eighteen (18) judicial vacancies to be elected in the

County of Cook at the November 6, 1990 General Election. Thus, the nomination papers are in violation of the foregoing mandatory requirements of §10-2 in that:

(a) The nomination papers filed by the HWP (including both district components) fatally do not contain a "complete list of the names of the candidates of the party for all offices to be filled in the political subdivision" of the County of Cook. Specifically, the nomination papers fail to list candidates for the following judicial offices that are scheduled to be filled county-wide from the County of Cook at the November 6, 1990 General Election:

Supreme Court Vacancies

Hon. Seymor Simon
Hon. Daniel P. Ward

Appellate Court Vacancies

Hon. R. Eugene Pincham
Hon. William R. Quinlan
Hon. John J. Stamos
Hon. John J. Sullivan
Hon. William S. White

Circuit Court Vacancies (County-wide)

Hon. Arthur J. Cieslik
Hon. Richard J. Fitzgerald
Hon. Jacques F. Heilingoettr
Hon. Frank R. Petrone
Hon. Richard L. Samuels
Hon. Adam N. Stillo

Additional Judgeship

(b) Secondly, the Cook County territory described as "inside the city of Chicago" is a "district" (as defined in Chapter 46, §1-3(14) of the Election Code) for purposes of electing judicial offices in said portion of

the County of Cook. The nominating petition district "component" sheets consisting of "inside the city of Chicago" candidates, defectively fails to list: (i) the judicial offices referred to in subparagraph (a) above and (ii) the following judicial offices that are scheduled to be elected from inside the city of Chicago at the November 6, 1990 General Election:

Cook County Circuit Court Vacancies
(Inside the City of Chicago)

Hon. Roger J. Kiley, Jr.
Hon. Blanche M. Manning
Hon. John J. McDonnell

(c) Thirdly, the Cook County territory described as "outside the city of Chicago" (or suburbs "only") is a "district" (as defined in Chapter 46, §1-3(14) of the Election Code) for purposes of electing judicial offices in said portion of the County of Cook. The nominating petition district "component" sheets consisting of "outside the city of Chicago" candidates, defectively failed to list: (i) the judicial offices referred to in subparagraph (a) above and (ii) the following judicial offices that are scheduled to be elected form [sic] outside the city of Chicago at the November 6, 1990 General Election:

Cook County Circuit Court Vacancies
(Outside the City of Chicago)

Hon. George M. Marovich
Hon. Dean M. Trafelet

For the reasons set forth within this paragraph, namely, the failure to include a Cook County judicial slate, the

nomination papers of the HWP violate the aforesaid provisions of §10-2 of the Election Code which require that each sheet of a new political party petition shall contain a "complete list" of the names of candidates for each office to be filled in the political subdivision at-large.

The nomination petition of the HWP, fails to contain a requisite judicial slate from the (i) inside and (ii) outside the city of Chicago judicial districts, which violates the pertinent provisions of §10-2 which requires that sheets comprising each district component of a new political party petition shall contain a "complete list" of the names of candidates for each office to be filled in the particular district component as well as the political subdivision at-large.

This aforesaid failure to file a "complete list" of candidates for all offices to be filled in the County of Cook (including the inside-the-city-of-Chicago and Outside-the-city-of-Chicago components) renders the HWP nomination papers invalid.

2. Pursuant to the pertinent provisions of §10-2 of the Election Code:

> "In the case of a petition to form a new political party within a political subdivision in which offices are to be elected from districts and at-large, such petition shall consist of separate components for each district from which an officer is to be elected. Each component shall be circulated only within a district of a political subdivision and signed only by qualified electors who are residents of such district. . . . Each component of the petition from each district from which an officer is to be elected must be

> signed by qualified voters of the district equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district at which an officer was elected to serve the district."

In this regard, §10-2 further provides that for a state-wide new political party, the minimum petition signatures shall "total 1% of the number of voters who voted at the next preceding State-wide general election or 25,000, whichever is less" and that:

> (W)henever the minimum signature requirement for a district or political subdivision new political party petition shall exceed the minimum number of signatures for State-wide new political party petitions at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for such district or political subdivision new political party petition."

As defined in §1-3(14) of the Election Code, the territory "inside the city of Chicago" and the territory "outside the city of Chicago" each constitute a "district". Consistent with this and the aforesaid §10-2 district component requirements, the proponents filed nomination papers with two district components:

(i) the inside the city of Chicago "district" (including County at-large candidates) and (ii) the outside the city of Chicago "district" (including County at-large candidates). Also, the requirement of 25,000 signatures was less than 1% of the vote at the next preceding general State-wide election.

Applying these provisions to the nomination papers herein, the minimum signature requirement for the "outside the city of Chicago" district of the nomination papers is 25,000 signatures. However, the "outside the city of Chicago" district of the nomination papers contain on their face a total of no more than 7,560 purported valid signatures of electors residing in the portion of Cook County outside the city of Chicago.

Consequently, the HWP nomination papers are void and invalid as they lack the necessary minimum of 25,000 valid signatures of electors residing in the suburban area of the County of Cook, as required by §10-2 of the Election Code.

3. The Objectors further state that the "Harold Washington Party" is an "established political party" in the city of Chicago pursuant to, and as defined by, Article 10 of the Illinois Election Code. The nomination papers filed herein purport to create a "new political party" in the County of Cook, with the name "Harold Washington Party".

These nomination papers directly violate the express mandate of Article 10 of the Election Code which states that a "new political party" petition for nomination:

> "(S)hall not bear the same name as, nor include the name of, *any* established political party as defined in this article."
>
> (Emphasis added)

The nomination papers at issue bear the name of an already "established political party," the "Harold Washington Party" and, as such, violate the §10-5 prohibition against a new political party bearing "the same name" of

an established political party. Accordingly, this Honorable Board should order that the Harold Washington Party designation should be stricken from the ballot. See, e.g., *Ballentine v. Bardwell*, 132 Ill.App.3d 1033, 478 N.E.2d 500 (1st Dist., 1985); *Doty v. Representation for Every Person (REP) Party*, 97 Ill.App.3d 316, 422 N.E.2d 1156 (1st Dist., 1981).

4. Pursuant to the pertinent provisions of §10-2 of the Election Code:

> "A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible for nomination as *a* candidate of a new political party for election in that general election."
>
> (Emphasis Added)

One of the listed candidates on the HWP nomination papers, R. Eugene Pincham, was a Democratic Party candidate on the March 20, 1990 Party Primary ballot running for the office of President of the County Board of Commissioners as well as County Commissioner from inside the city of Chicago. Mr. Pincham was defeated in his President of the County Board of Commissioners candidacy, and another Democratic Party candidate was proclaimed as the successful Democratic Party nominee by the Cook County Canvassing Board. In view of the aforesaid provisions of §10-2, Mr. Pincham is "ineligible" and not qualified to run as a new political party candidate for election at the November 6, 1990 General Election. However, on August 6, 1990, R. Eugene Pincham, as required by §10-5 of the Election Code, filed a sworn statement of candidacy averring that he was "qualified"

to run for office as a candidate of the Harold Washington Party. Mr. Pincham, however, is not legally qualified as a Harold Washington Party new political party candidate and, therefore, his statement of candidacy is false and invalid and the nomination papers must be stricken.

5. The Objectors state that the nomination papers of the Harold Washington Party to form a new political party in the County of Cook ("Nomination Papers") pursuant to the pertinent provisions of Sec. 10-2 of the Election code require 25,000 signatures from qualified electors of the County of Cook, residing solely within the City of Chicago (hereinafter referred to as "City" petitions) and a further 25,000 signatures from qualified electors of the County of Cook, excluding the City of Chicago, (hereinafter referred to as "Suburban" petitions). The nomination papers are insufficient in fact and in law for the following reasons:

(a) Said nomination papers contain the names of numerous persons who did not sign in their own proper person, and these signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNATURE NOT PROPER AND NOT GENUINE", attached hereto and made a part hereof, all of said signatures being in violation of the Illinois Election Code.

(b) Said nomination papers contain the names of numerous persons who are not in fact duly qualified and registered voters at the addresses shown Illinois as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN", attached hereto and made a part hereof, all

of said signatures being in violation of the Illinois Election Code.

(c) Said nomination papers contain the names of numerous persons who are not in fact residents of and registered voters of the said City of Chicago on the City petitions as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT IN DISTRICT" (CHICAGO COMPONENT), attached hereto and made a part hereof, all of said signatures being in violation of the Illinois Election Code.

(d) Said nomination papers contain the names of numerous persons who are not in fact residents of and registered voters of the said Suburban area of Cook County on the Suburban petitions as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT IN DISTRICT" (SUBURBAN COMPONENT), attached hereto and made a part hereof, all of said signatures being in violation of the Illinois Election Code.

(e) Said nomination papers contain the names of numerous persons who signed the petition more than once, the second and any subsequent signatures being invalid. The duplicate signatures are more fully set forth in the Appendix-Recapitulation under the column designated "DUPLICATE SIGNATURES", attached hereto and made a part hereof, all of said signatures being in violation of the Illinois Election Code.

(f) Said nomination papers contain the names of numerous persons for whom either no residence is set forth or the address is incomplete as more fully set forth, in the Appendix-Recapitulation under the column

designated "INCOMPLETE ADDRESS", attached hereto and made a part hereof, all of said signatures being in violation of the Illinois Election Code.

(g) Said nomination papers contain sheets of signatures, the circulator of which did not sign his name thereto and therefore, all of said signatures on these circulators' sheets are in violation of the Illinois Election Code.

(h) Said nomination papers contain the names of these persons as circulators of petition sheets who did not sign petition sheets in their own proper persons, and said signatures are not genuine and are forgeries, and therefore, all of said signatures on these circulators' sheets are in violation of the Illinois Election Code.

(i) Said nomination papers contain the names of numerous persons in the capacity of circulators who are not in fact duly qualified and registered voters at the address shown as more fully set forth in the Appendix-Recapitulation under the column designated "CIRCULATOR NOT REGISTERED", attached hereto and made a part hereof, all of said signatures on these sheets being in violation of the Illinois Election Code.

(j) Said nomination papers contain the names of numerous persons in the capacity of circulators who are not in fact residents of and registered voters of said City of Chicago on the City petitions, and therefore, all of said signatures on these sheets are in violation of the Illinois Election Code.

(k) Said nomination papers contain the names of numerous persons in the capacity of circulators who are not in fact residents of and

registered voters of Suburban area of the said County of Cook on the Suburban petitions, as more fully set forth in the Appendix-Recapitulation under the column designated "CIRCULATOR OF SUBURBAN PETITIONS RESIDES OUTSIDE THE SUBURBAN AREA", attached hereto and made a part hereof, all of said signatures on this sheet being in violation of the Illinois Election Code.

(l) Said nomination papers contain the names of numerous persons as circulators either for whom no residence address is set forth, or whose address is set forth incompletely, as more fully set forth in the Appendix-Recapitulation attached hereto and incorporated herein under the column designated "CIRCULATOR ADDRESS INCOMPLETE", attached hereto and made a part hereof, all of said signatures on these sheets being in violation of the Illinois Election Code.

(m) The Objectors further state that all the signatures on sheet 1889 are invalid because the purported notary public did not sign the jurat at the bottom of the sheet. The Objectors object to each and every signature on said sheet as more fully set forth in the Appendix-Recapitulation under the column designated "NO NOTARY SIGNATURE", attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

(n) The Objectors further state that all the signatures on sheet 185, 982, 1221, 1222 and 3183 are invalid because the purported notary public did not provide a notary seal at the bottom of said sheets. The Objectors

object to each and every signature on said sheets as more fully set forth in the Appendix-Recapitulation under the column designated "NO NOTARY SEAL", attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

(o) Said nomination papers contain the names of persons as circulators of petition sheets who did not sign said petition sheets before a notary or other officer authorized to take acknowledgment of deeds in the state as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the column designated "CIRCULATOR DID NOT APPEAR BEFORE NOTARY", attached hereto and made a part hereof, all of said signatures on this sheet being in violation of the Illinois Election Code.

(p) The objection specified clearly evidence a pattern of fraud, false swearing and a total disregard of the Illinois Election Code. Such a pattern requires that the Electoral Board examine the validity of each and every signature (by circulator or signer) contained on the petitions, regardless of whether specified objections to such signatures have been made. On the basis of the pattern of fraud, false swearing and total disregard of the Illinois Election Code described and set forth, the Objectors hereby specifically object to each and every signature (by circulator or signer) contained on the petitions.

(q) The Objectors further state that the results of a pre-objection review of all the petition sheets circulated by Mary King Criss, Will Lawrence, Dino McNeal, Obie Roberts,

Larry Smith and Barbara Williams evidence a pattern of fraud, false swearing, forgeries, irregularities permeating their petition sheets and a total disregard for the integrity of the electoral process and that their circulator's oath be found by this Board as incredible and that all the remaining signatures on their petition sheets be stricken in their entirety.

(r) The Objectors further state that sheets 269, 769, 720, 756 to 768, 774, 775 and 3373 from the petition component that includes those candidates to be elected from the city of Chicago, are in fact petition sheets which relate to those candidates to be elected from outside the city of Chicago and therefore all signatures on said sheets, insofar as they pertain to those candidates to be elected from the city of Chicago, should be stricken in their entirety.

(s) The Objectors further state that sheets 324 to 331, 1198, 2111 and 4063 from the petition component that includes those candidates to be elected from the city of Chicago, which are in fact non-conforming petition sheets which include candidates to be elected to the office of Commissioner of the Metropolitan Water Reclamation District of Greater Chicago, Illinois. Therefore, these non-conforming sheets, which do not contain a complete slate of candidates to be elected from the County of Cook, are invalid and should be stricken in their entirety.

6. The Objectors further state that fifteen percent of all signers to the petitions for the nomination of the Harold Washington Party were examined with the result that

53% of that amount were found to be invalid and contrary to the requirements of the Election Code.

Accordingly, it is clear that the number of invalid signatures to the petitions for nomination of the Harold Washington Party is so large as to demonstrate a conscious disregard of a the [sic] statutory requirements and demonstrate strongly that virtually all of the signatures to those petitions are invalid and fail to meet the requirements of the Illinois ELection [sic] Code.

The Objectors further state that they are submitting – in conjunction with the objections set forth in paragraph 6 as well as in conjunction with all objections in this Objectors' Petition – Exhibit A, the contents of which shall be incorporated herein and made a part hereof.

WHEREFORE, the Objectors pray that this Honorable Board order that the Clerk of Cook County and the Chicago Board of Election Commissioners conduct a full-scale binder review of the allegation contained herein and in the accompanying Appendix-Recapitulation; that subpoenas issue where necessary with respect to each of the allegations herein, including without limitation to those persons identified in paragraph 5(q).

The Objectors further pray that this Honorable Board declare that the nomination papers of the Harold Washington Party and the nominations of all candidates appearing thereon be declared insufficient, null and void; not in compliance with the laws of the State of Illinois and lack the statutory minimum number of valid signatures for ballot placement and hence, invalid, and that this Honorable Board enter its decision that the Harold Washington Party and the names of all candidates

appearing on said nomination papers not be printed on the official ballot for the General Election to be held on November 6, 1990.

_____
OBJECTOR

/s/ Dorothy Reed
OBJECTOR

/s/ Valerie A. Sutton
OBJECTOR

/s/ Patton L. Feichter
OBJECTOR

/s/ Ervin S. Ricks
OBJECTOR

/s/ David Barrera
OBJECTOR

* * *

(Verification Omitted In Printing)

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

OBJECTIONS TO THE NOMINATION)
PAPERS OF THE HAROLD WASHINGTON)
PARTY, A NEW POLITICAL PARTY, AND)
TO EACH OF THE FOLLOWING)
CANDIDATES OF THE HAROLD)
WASHINGTON PARTY:)
)
COUNTY-WIDE)
BARBARA J. NORMAN)
JANICE H. ROBINSON)
DONALD PAMON)
HELDIA R. RICHARDSON)
TOMMY BREWER)
CHARLES W. ALEXANDER)
DOROTHY C. HOGAN)
WILL LAWRENCE)
KENNETH G. HOPKINS)
)
INSIDE THE CITY OF CHICAGO)
R. EUGENE PINCHAM)
ROBERT E. PINCHAM, JR.)
BARBARA J. NORMAN)
PERCY V. COLEMAN)
VIVIAN D. STEWART-TYLER)
JAMES A. DEANES)
DINO F. McNEAL)
MARY KING CRISS)
DAVID T. PERSONS)
HELEN E. JONES)

OUTSIDE THE CITY OF CHICAGO	)
ROBERT E. BROOKS, JR.	)
MELLO SAM H. CLORA	)
JUDY MARIE HAWTHORNE	)
CHESTER LeSURE	)
CELIA DUNCAN	)
DON C. PASSMORE, JR.	)
BOBBIE J. SMITH	)

APPENDIX RECAPITULATION TO VERIFIED OBJECTOR'S PETITION

CITY OF CHICAGO ONLY

Form of Appendix-Recapitulation Sheets for Objection to County/City Petitions (Remaining sheets omitted in printing)

APPENDIX - RECAPITULATION

SHEET NO. 1

Line No.	Signer not registered at address shown	Signer not in district	Signature not proper person and not genuine	Incomplete address	Improper circulator	Duplicate	Circulator circulated Dem. petitions	Circulator signed Dem. petitions	Circulator circulated Rep. petitions	Circulator signed Rep. petitions	Signed Dem petitions	Signed Rep petitions	Duplicate signatures	Other
1.	X		X											
2.	X		X											
3.	X		X											
4.	X		X											
5.	X		X											
6.	X		X											
7.	X		X											
8.	X		X											
9.	X		X											
10.	X		X											

CIRCULATOR NOT REGISTERED

NOTARY _____

T. S. _____

O. _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

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PAPERS OF THE HAROLD WASHINGTON)
PARTY, A NEW POLITICAL PARTY, AND)
TO EACH OF THE FOLLOWING)
CANDIDATES OF THE HAROLD)
WASHINGTON PARTY:)
)
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BARBARA J. NORMAN)
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HELEN E. JONES)

OUTSIDE THE CITY OF CHICAGO	)
ROBERT E. BROOKS, JR.	)
MELLO SAM H. CLORA	)
JUDY MARIE HAWTHORNE	)
CHESTER LeSURE	)
CELIA DUNCAN	)
DON C. PASSMORE, JR.	)
BOBBIE J. SMITH	)

APPENDIX RECAPITULATION TO VERIFIED OBJECTOR'S PETITION

SUBURBAN COOK

Form of Appendix-Recapitulation Sheets for Objection to County/Suburban Petitions (Remaining sheets omitted in printing)

APPENDIX - RECAPITULATION

SHEET NO. 1

Line No.	Signer not registered at address shown	Signer not in district	Signature not proper person and not genuine	Incomplete address	Improper circulator	Duplicate	Circulator circulated Dem. petitions	Circulator signed Dem. petitions	Circulator circulated Rep. petitions	Circulator signed Rep. petitions	Signed Dem petitions	Signed Rep petitions	Duplicate signatures	Other CIRCULATOR NOT REGISTERED
1.	X		X											
2.	X		X											
3.	X		X											
4.	X		X											
5.	X		X											
6.	X		X											
7.	X		X											
8.	X		X											
9.	X		X											
10.	X		X											

NOTARY _____

T. S. _____

O. _____

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

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PARTY, A NEW POLITICAL PARTY, AND)
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BARBARA J. NORMAN)
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OUTSIDE THE CITY OF CHICAGO	)
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CHESTER LeSURE	)
CELIA DUNCAN	)
DON C. PASSMORE, JR.	)
BOBBIE J. SMITH	)

EXHIBIT "A" TO VERIFIED OBJECTOR'S PETITION

Form of Appendix - Recapitulation Sheets for Exhibit "A" to Verified Objector's Petition Remaining sheets omitted in printing)

HEET NO. 45

ine No.	Signer not registered at address shown	Signer not in district	Signature not proper person and not genuine	Incomplete address	Improper circulator	Duplicate	Circulator circulated Dem. petitions	Circulator signed Dem. petitions	Circulator circulated Rep. petitions	Circulator signed Rep. petitions	Signed Dem petitions	Signed Rep petitions	Duplicate signatures	Other
1.	X		X	X										
2.	X		X											
3.	X		X											
4.			X											
5.			X											
6.	X		X											
7.			X											
8.			X											
9.	X		X											
10.			Y											

NOTARY

T.S. 10

D 10

BEFORE THE DULY CONSTITUTED
ELECTORAL BOARD FOR THE
COUNTY OF COOK, ILLINOIS

DOROTHY REED, et al., Objectors,	)	
v.	)	No.
THE HAROLD WASHINGTON PARTY, Respondents.	)	90 COEB CO 02

MOTION TO STRIKE AND
DISMISS OBJECTION NO. 1

Now comes the Harold Washington Party, and its candidates, by and through their attorneys, and moves the Cook County Officers Electoral Board for entry of an Order striking and dismissing Objection No. 1 of the Objections of Dorothy Reed, et al. ("Objection"). For the reasons stated below, Objection No. 1 is insufficient as a matter of law. This Board accordingly should strike and dismiss Objection No. 1, and permit the legitimate candidacy of the Harold Washington Party to proceed on the November, 1990 ballot.

BACKGROUND

On August 6, 1990, the Harold Washington Party ("HWP") filed with the office of the Clerk of Cook County, Illinois, nomination petitions for certain offices in the November, 1990 general election ("petitions"). The HWP petitions were filed to form a new political party in Cook County and for the purpose of being placed on the November ballot. Consistent with the requirements of

Ill.Rev.Stat., Ch. 46, Sec. 10-2, the HWP's petition consisted of two separate components, one for each district from which an officer is to be elected.

On August 13, 1990, the Objector filed a petition setting out six (6) objections to the HWP nominating petitions. Objection No. 1 specifically alleged that the HWP nomination papers were void and invalid as they faile dto [sic] offer candidates for eighteen (18) judicial offices in the November election, in the Supreme, Appellate and Circuit Courts.

ARGUMENT

The Objector attempts to argue that the nomination papers of the Harold Washington Party ("HWP") are in violation of the requirement set forth in Chapter 46, section 10-2 of the Illinois Revised Statutes ("Section 10-2"), which states in pertinent part:

> Each sheet of such petition must contain a complete list of the names of the candidates of the party for all offices to be filled in the political subdivision, but the sheets comprising each component shall also contain the names of those candidates to be elected from the particular district.

Objector argues that the HWP nomination papers are invalid under Section 10-2, because the Party did not list candidates for any of the eighteen (18) judicial vacancies in Cook County. Additionally the Objector argues that the Cook County territory described as "inside the City of Chicago" and that described as "outside the City of Chicago" are "districts" for purposes of electing judicial

offices in said positions of the County of Cook where the HWP is running a slate of countywide candidates.

These arguments are meritless as a matter of law. At the outset, there is simply no dispute that: judicial offices, those held by Supreme Court and Appellate Court Justices, as well as Circuit Court Judges, are offices of the State and *not* the County, (Ill. Const. 1970, Arts. VI, VII); (a) "judicial districts" are distinct and separate from "county board" or countywide districts, (Chapter 46, Ill.Rev.Stat., section 1-3(14); (b) a nomination petition to form a new political party county wide need not and should not have a slate of judicial candidates (Chapter 46, Ill.Rev.Stat., Section 7-12(1), (2); and, (c) the City of Chicago are "districts" for purposes of electing judicial offices in said positions of the County of Cook where the HWP is running a slate of county wide candidates.

In light of these undisputed facts, the Objector has simply missed the mark. The Objector attempts to create a legal issue where there is none by treating "judicial districts" as though they were the same as "county board districts" or county wide districts, a treatment the statute neither makes nor permits. Ill.Rev.Stat., Ch. 46, Section 1-3(14) defines "district" to mean any area which votes as a unit for the election of any officer . . . [to include] legislative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts," *Separate* nomination papers are required for that separate entity known as a "judicial district." Indeed, Ill.Rev.Stat., Ch. 46, Section 7-12(1), relates to nominations to be made for State, congressional and *judicial office*, while chapter 46, section 7-12(2) relates to nominations made for county

offices or trustees for sanitary district. And, Section 10-2 of the Election Code states:

> Any group of persons hereafter desiring to form a new political party throughout the state, or in any congressional, legislative or *judicial district . . . shall file with the State Board of Elections* a petition, as hereinafter provided; and any such group of person [sic] hereafter desiring to form a new political party within any *county* shall file such petition with the County Clerk.

At no time, under law, was the HWP required to file two separate petitions – one with the State and one with the County in order to form a new County political party. Section 10-2 of the Code specifically states "in the case of a petition to form a new political party within a political subdivision in which officers are to be elected from districts and at large, such petition shall consist of separate "components" for each district from which an officer is to be elected." That is exactly what the party filed, a single petition consisting of separate components for each "county board district" (not judicial district) from which an officer is to be elected. Because judicial petitions *must* be filed with the State Board of Elections, judicial candidates necessarily are not a requisite component of "new party" filing within a county district. Otherwise, the statutorily recognized distinction between judicial and other districts is meaningless and the statutorily mandated filing procedures would have to be ignored.

The HWP met its obligation by filing a single petition, not two different petitions for two distinctly

different types of districts, with the office of the Clerk of Cook County.*

The absurdity of the Objector's strained interpretation of Section 10-2 of the Election Code is self-evident. Under the Objector's argument, any office voted on in Cook County – regardless of whether it is a County office or whether the law expressly recognizes the office to be of a different district or character – is subject to Section 10-2. Under this interpretation, there is no principled basis to distinguish judicial offices from the offices of United States Senator, Representatives in Congress, Governor and Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Treasurer, Trustee of the University of Illinois, State Senators, Representatives in the General Assembly and Commissioners of the Metropolitan Water Reclamation District of Greater Chicago. In each case, like judges, the office *is* voted upon in the county, even though the "district" subject to the election is not the same as the "district" for which county officers run. This Board obviously cannot require HWP to tender candidates for these state and national offices. It can do no more with respect to judicial offices either.

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* See also, 1990 Primary and General Election Calendar for Chicago: August 6, 1990 "Last day to file new political party nominating petitions; Federal, State, Legislative, and Judicial candidates file nominating petitions in the principal office of the State Board of Elections. Candidates for Commissioner of the Metropolitan Water Reclamation District of Greater Chicago *and for County Office* file nominating petitions with the office of the Clerk of Cook County. Section 10-6.

Election authorities corroborate the plan reading of the ignored by the Objector. The State of Illinois Candidate's Guide for 1990, issued by the State Board of Elections, states under its heding [sic] of "New Political Candidates":

> A petition to form a new political party for County-wide offices shall contain a complete list of candidates for such party for all offices (including all *county board districts*) to be filled at the next election.
>
> *Id.* at 27.

It also states that County officers are:

> Clerks, Treasurers, Sheriffs, Assessors, Commissioners, County Board Members and Superintendents of Educational Service Regions.
>
> *Id.* at 26.

The HWP filed a petition to form a new political party for *county-wide* offices, not State judicial offices, and in so doing has proffered a complete list of candidates. Nowhere does the Election Code state or suggest that in order to form a new political party for County-wide office one must file two separate petitions, one for county offices and the other for State judicial offices.

To suggest that judicial offices are a necessary element of a county slate is specious. Under Chapter 46, all references to filing petitions for judicial offices and county-wide offices are separate. And, of course, most importantly, the Illinois State Constitution makes clear the separation of judicial offices from County offices. The local government article of the Constitution relating to county officers does not once mention or provide for judicial candidates (Ill. Const. 1970, Art. VII, sec. 4); the

Constitution vests the judicial power in a "Supreme Court, an Appellate Court and Circuit Courts" (Ill. Const. 1970, art. VI, sec. 1). As stated by the Illinois Supreme Court:

> *Only one unified court system operating statewide is contemplated.* Article VI of the 1970 Constitution does not contemplate nor does it authorize the exercise of any control over or permit the imposition of a burden on the judicial system by an local entity.
>
> *The administration of justice under our Constitution is a matter of Statewide concern and does not pertain to local government or affairs.* (Emphasis added.) *Id.* at 542; Accord *Orenic v. Ill. State Labor Relations Board*, 127 Ill.2d 45, 480 (1989); *Drury v. County of McLean*, 89 Ill.2d 417, 423-24 (1982); *County of Kane v. Carlson*, 116 Ill.2d 186, 207-08 (1987).

For example, Article 7, Section 4 of the Illinois Constitution (c) states that "elected County officials shall be elected for terms of four years at general elections by law." This provision is inapplicable to judicial candidates since the Supreme and Appellate Court Justices are elected to terms of ten years, and regular Circuit Court judges to terms of six years. The same provision of the Constitution states that "offices other than the sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance." Judges, again treated as a completely distinct institution, are subject to no such action.

Ampersand, Inc. v. Finley, 61 Ill.2d 537 (1975)*

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*Consistent with this careful and deliberate separation of the judiciary from county offices, Illinois law creates many differences between judicial offices and county offices.

In short, the Objector's shrewd construction of Section 10-2, unsupported by any case law or interpretation other than the Objector's own, is at odds with the enormous body of law – statutory and otherwise – which *rejects* the, in effect, unification of judicial and county offices urged by the Objector. Judicial districts are separate from county districts, according to statute. Judicial nominating petitions must be filed in a different form from that appropriate for county positions, according to statute. Judicial positions are afforded an array of protections and characteristics distinct from those enjoyed by county offices, according to the Illinois Constitution. And, judicial operations are a matter of state, not county concern, according to the Illinois Supreme Court. These principles – undisputed but simply ignored by the Objector – are each fatal to the Objector's claim.

CONCLUSION

For the foregoing reasons, Respondents respectfully move that Objection No. 1 of the Objections of Dorothy Reed, et al., to the nominating papers of the Harold Washington Party be stricken and dismissed with prejudice.

Respectfully submitted,
THE HAROLD WASHINGTON PARTY

/s/ By Nikki M. Zollar
One of its Attorneys

BEFORE THE DULY CONSTITUTED
ELECTORAL BOARD FOR THE
COUNTY OF COOK, ILLINOIS

DOROTHY REED, et al., Objector,	)	
v.	)	No. 90 COEB CO 02
THE HAROLD WASHINGTON PARTY, Respondents.	)	

MOTION TO STRIKE AND DISMISS OBJECTION NO. 2

Now comes the Harold Washington Party, and its candidates, by and through their attorneys, and moves the Cook County Officers Electoral Board for entry of an Order striking and dismissing Objection No. 2 of the Objections of Dorothy Reed, et al. ("Objection"). For the reasons stated below, Objection No. 2 is insufficient as a matter of law as it is predicated on an unconstitutional premise. This Board accordingly should strike and dismiss Objection No. 2, and permit the legitimate candidacy of the Harold Washington Party to proceed on the November, 1990 ballot.

BACKGROUND

On August 6, 1990, the Harold Washington Party ("HWP") filed with the office of the Clerk of Cook County, Illinois, nomination petitions for certain offices in the November, 1990 general election ("petitions"). The HWP petitions were filed to form a new political party in Cook County and for the purpose of being placed on the November ballot. Consistent with the requirements of

Ill.Rev.Stat., Ch. 46, Sec. 10-2, the HWP's petition consisted of two separate components, one for each district from which an officer is to be elected.

On August 13, 1990, the Objector filed a petition setting out six (6) objections to the HWP nominating petitions. Objection No. 2 specifically alleged that the HWP nomination papers were void and invalid as they "lack[ed] the necessary minimum of 25,000 valid signatures of electors residing in the suburban area of the County of Cook, as required by Sec. 10-2 of the Election Code."

ARGUMENT

I. THE OBJECTION SHOULD BE DENIED BECAUSE IT IS PREDICATED ON AN UNCONSTITUTIONAL PREMISE

The Objector argues that the HWP lacks 25,000 signatures from suburban Cook County needed to entitle the party to gain access to the election ballot of November, 1990. The Objector's claim is meritless. On August 6, 1990, the Harold Washington Party filed with the Office of the Clerk of Cook County, Illinois, well over 60,000 valid signatures of electors from throughout Cook County in support of placing the Party candidates on the November ballot.

A new political party in Illinois need only gather the signatures of 25,000 eligible voters on its nominating petitios [sic] in order to gain access to the ballot. *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173 (1979). In holding that the Illinois Election Code is

unconstitutional insofar as it requires new political parties in subdivisions of the State to obtain more than the 25,000 signatures necessary for those same parties to appear on the ballot in a statewide election, the Supreme Court has held that such a requirement violated the Equal Protection Clause of the Fourteenth Amendment. 99 S.Ct. 983 at 990-992.

In reaching its decision, the Court reasoned, *inter alia*, that restrictions on access to the ballot must be extremely limited for they place a burden on the " 'right of individuals to associate for the advancement of political beliefs, and the right of qualified voters regardless of their political persuasion to cast their votes effectively.' " Citing *Williams v. Rhodes*, 393 U.S. 23 (1968), the Court went on to state that the freedom to associate as a political party, a right recognized as fundamental, has diminished practical value if the party can be kept off the ballot. The Court reasoned that by limiting the choices available to voters, the State impairs the voters' ability to express their political preferences, which, of course, undercuts the single most fundamental significance under our constitutional structure, the right to vote. 99 S.Ct. 983, 990.

Stated simply, Objection No. 2 is no less than an attempt to completely circumvent the unanimous holding of the United States Supreme Court. *Socialist Workers Party*. By interpreting applicable statutes as the Objector has done – to require splitting the County [sic] County of Cook into subdistricts – for purposes of, in effect, requiring not 25,000 but 50,000 signatures for a new party to gain access to the ballot for a Cook County slate – the Objector relies on a claim that cannot withstand constitutional attack.

Moore v. Ogilvie, 394 U.S. 814 (1969); and *Communist Party of Illinois v. State Board of Elections*, 518 F.2d 517 (7th Cir.), cert. denied, 423 U.S. 986 (1975), are illustrative. In *Moore*, the Supreme Court struck down the provision of the Illinois Election Code which required independent candidates and new political parties needing 25,000 signatures and which required these parties to obtain at least 200 signatures from each of 50 counties within the state, as violative of the Equal Protection clause. In *Communist Party*, the Seventh Circuit held that the statute, as amended by the legislature after *Moore* to place a 13,000 signature limit on new political party signatures from any one county, was likewise a denial of equal protection. *Communist Party of Illinois v. State Board of Elections*, 518 F.2d 517 (7th Cir.), cert. denied, 423 U.S. 986 (1975). Under these well-established principles, it is simply impermissible to impose geographic/minimum signature requirements on new political parties attempting ballot status where the new political party, running *countywide*, has collected over twice as many signatures necessary to run for *statewide* office.

Such a requirement must serve a compelling state interest, or it is invalid. *American Party of Texas v. White*, 415 U.S. 767, 780-781 (1974). Further, that state interest must be achieved by means that do not "unfairly or unnecessarily burden . . . a minority party's . . . interest in the continued availability of political opportunity. *Lubin v. Panish, Registrar-Recorder of County of Los Angeles*, 415 U.S. 709, 716 (1974). As the Court in *Lubin* stated:

> "[t]he interests involved are not merely those of parties or individual candidates; the voters can assert their preferences only through candidates

> or parties or both and it is this broad interest that must be weighed in the balance. The right of a party . . . to a place on a ballot is entitled to protection and is intertwined with the rights of voters." *Id.*

In this case, no such interest is or can be offered, nor is the purported requirement narrowly tailored to serve any such interest as the Constitution requires. To require a new county party to obtain *twice* as many signatures as statewide candidates is an affront to the "availability of political opportunity" mandated by the Supreme Court. It can serve no purpose except – by erecting artificial geographic and numerical barriers – to ensure that voters' choices are limited to those conventionally offered. Our system requires more latitude for voter preferences to be exercised, and our Supreme Court has said no less.

As Justice Rehnquist recognized in his concurring opinion in *Socialist Workers Party*, the disparate treatment of candidates in the Illinois Election Code (with respect to signature requirements) "bears no rational relationship to any state interest." *Supra*, at 993. In the instant case, the fundamental rights of at least 60,000 electors would be contravened were this Board to sustain the Objection.

II. SECTION 10-2 IS SO VAGUE AND INCOMPREHENSIBLE THAT IT CANNOT, CONSISTENT WITH THE LAW, BE APPLIED TO DISENFRANCHISE THE HAROLD WASHINGTON PARTY

The Objector makes reference to two provisions of Sec. 10-2 of the Election Code. See Petition at ___. It is not clear that either provision cited sets forth the minimum number of signatures necessary for the HWP to achieve

ballot status as a new county-wide political party. What is clear, however, is that the second provision is inapplicable to the present situation: it refers to minimum signature requirements for a district *or* political subdivision for a new political party. Thus, in this instance only the first provision even arguably makes reference to the case at bar, inasmuch as it relates to petitions to form new political parties within a "political subdivision in which offices are to be elected from districts *and* at-large."

The question before this Board, even if signature requirements for county positions in excess of those required for statewide offices are valid, is whether the first provision cited establishes a constitutionally *clear* standard for signatures on new party petitions for political subdivisions. The answer is a resounding "No".

The pertinent provision of Sec. 10-2 of the Election Code states:

> In the case of a petition to form a new political party within a political subdivision in which offices are to be elected from districts and at-large, such petition shall consist of separate components for each district from which an officer is to be elected. Each component shall be circulated only within a district of a political subdivision and signed only by qualified electors who are residents of such district . . . Each component of the petition from each district from which an officer is to be elected must be signed by qualified voters of the district equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district at which an officer was elected to serve the district. *The entire petition, including all components, must be signed by a total of qualified voters of the entire political subdivision*

> *equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such political subdivision* at which an officer was elected to serve the political subdivision at large.

After Section 10-2 was redrafted to read as it does above, the Supreme Court, in *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173 (1979), held that to require a new political party in Illinois to collect more than 25,000 signatures on its nominating petitions was unconstitutional. By requiring the petition to be signed by a "total of qualified voters of the entire political subdivision equaling in number not less than 5% of the number of voters who voted at the next preceding regular election . . . ", the statute is directing collection of substantially more than 25,000 signatures. In fact, even that part of the provision which speaks to "signed qualified voters of the 'district' equaling in number not less than 5% of the number of voters who voted at the next preceding regular election . . . ", requires collection of over 25,000 signatures.

Assuming, arguendo, that this Board can somehow overcome the constitutional deficiencies of this statutory provision, it must still attempt to answer the question: which subsection applies? – That which speaks to collection of signatures, including all components, or that which speaks to separate districts? We submit that, unfortunately, this question cannot be resolved. The statute, even if embracing constitutional mathematics, does not embrace constitutional clarity. As stated by Justice Rehnquist, in referring to the Illinois Election Code, Section 10-2: "[t]he courts having knocked out key panels in an otherwise symmetrical mosaic, it is not surprising that

little sense can be made of what is left." Socialist Workers Party, at 993.

Given this fact, the provision cannot be used to disenfranchise the 60,000 voters who have sought placement of the HWP on the ballot. *In Merz v. Municipal Officers Electoral Board,* 50 Ill. Dec. 520 (1st Dist., 1981), the Appellate Court was called upon to interpret that provision of the election code (Section 10-3), which purported to set out a standard for the minimum number of signatures needed to be obtained by an independent candidate to secure placement on the ballot. The Court held that despite the fact that the candidates failed to comply with the minimum statutory signature requirement *under the interpretation of the Appellate Court,* where the candidates had demonstrated at "least a minimal appeal to the voters" and the statutory provision was almost incomprehensible, the "interest of justice . . . are best served by allowing . . . [the] candidates to appear on the ballot. . . ." The hopeless ambiguity and internally contradictory nature of Section 10-2 requires no less here.

CONCLUSION

For the foregoing reasons, the Respondents respectfully move that Objection No. 2 of the Objections of Dorothy Reed, et al., to the nominating papers of the Harold Washington Party be stricken and dismissed with prejudice.

Respectfully submitted,

THE HAROLD WASHINGTON PARTY

/s/ By Nikki M. Zollar
One of its Attorneys

BEFORE THE DULY CONSTITUTED ELECTORIAL [sic] BOARD FOR THE COUNTY OF COOK, ILLINOIS

DOROTHY REED, et al Objectors, v. THE HAROLD WASHINGTON PARTY, Respondent.	)	No. 90 COEB CO 02

MOTION TO STRIKE AND DISMISS OBJECTION NO. 3 OF OBJECTOR'S PETITION

Now comes the HAROLD WASHINGTON PARTY and Moves this Board to Strike and Dismiss Objection No. 3 of the objector's petition, and in support of their Motion states as follows:

1. The respondents admit that the HAROLD WASHINGTON PARTY is an established political party in the City of Chicago as defined by Article 10 of the Illinois' election code.

2. The respondents admit that the nomination papers filed on August 6, 1990 for County Wide offices for the November 6, 1990 election are filed as a New political party by the HAROLD WASHINGTON PARTY which is established in the City of Chicago.

3. The respondents deny that these nomination papers directly violate the express mandate Article 10, of the Election Code. The respondents affirmatively state that Section 10-5(2) in pertinent part states as follows:

> " . . . (S)uch party shall not bear the same name as, nor include the name of any established political party as defined in this article. *This prohibition does not preclude any established political party from making Nominations in those cases in which it is authorized to do so.*" (Emphasis added)

In this case, David Reed, Sr., HAROLD WASHINGTON PARTY Chairman, and Nancy Jefferson, Co-founder and Charter Member of the HAROLD WASHINGTON PARTY, and other officers of the HAROLD WASHINGTON PARTY expressly authorized the Chairman to file Nominating Petitions at the County Level in the name of the HAROLD WASHINGTON PARTY and support these Nomi[illegible] for County Wide office on November 6, 1990. [illegible]e affidavits of David Reed, Sr. and Nancy Jefferson attached hereto and made a part hereof by reference and marked as Exhibits "A" and "B" respectively.

Therefore the prohibitions expressed in the objectors petitions regarding the use of the Same Name as any established political party is inapplicable here since the Established HAROLD WASHINGTON PARTY expressly authorized the use of the Same Name for the new political party running Slates of Candidates for County Wide offices for the November 6, 1990.

Moreover, the objectors find no relief in the Case Law they have cited. It is clear that the primary purpose of this Law is Not to Confuse Voters who are voting in Elections for Candidates in the same political subdivisions. The objectors have routinely cited the case of *Ballentine v. Bardwell*, 132 ILL App. 3d 1033, 478 N.E.2d 500 And *Doty V. Representation for Every Person (REP) Party*, 97

ILL App.3d 316, 422 N.E. 2d1156. Neither case is on point and both are clearly distinguishable on the facts.

In *Ballantine,* the party was a different party using an established partys' name and different people making up the New Party. While in *Doty,* the REP Party was a New Party with a name that was so similar to that of the Republican Party that the Court would not allow the use of the name for fear of confusing or misleading the voters. In addition, in neither case was it the same people and the same party expressly authorizing the established party chairman to expand from a City Wide Party to a County Wide Party with the same name.

Objectors Objection No. 3 of their petition has no merit in fact or the Law and accordingly should be stricken and dismissed.

Wherefore the HAROLD WASHINGTON PARTY, respectfully request this Board to Strike and Dismiss Objection No. 3 of the Objectors Petition.

Respectfully Submitted,

/s/ Roosevelt Thomas
Roosevelt Thomas, one of the
Attorneys for the
HAROLD WASHINGTON PARTY
1 North LaSalle Street, Suite 2065
Chicago, IL 60602
(312) 641-0860

EXHIBIT A

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE COUNTY OF COOK, ILLINOIS

DOROTHY REED, et al Objectors, v. THE HAROLD WASHINGTON PARTY, Respondent.	)	No. 90 COEB CO 02

AFFIDAVIT OF DAVID REED, SR.

I, DAVID REED, SR., on oath, depose and state:

1. That I am a resident of the City of Chicago, Court of Cook, and I reside at 951 East Hyde Park Boulevard, Chicago, Illinois.

2. I am a registered voter at the above stated address.

3. I am a member Chairman of the HAROLD WASHINGTON PARTY, an established political party in the City of Chicago which ran candidates in 1989.

4. I was elected Chairman of the HAROLD WASHINGTON PARTY in 1990 and authorized by my party to run a slate of candidates for County Wide offices for the November 6, 1990 election.

5. On August 6, 1990, the HAROLD WASHINGTON PARTY expanded from a Chicago party to a County wide party by filing a slate of candidates to run for county wide office.

6. That the Nominating petitions filed on August 6, 1990 by the HAROLD WASHINGTON PARTY were filed as a new party because that is the only method that the Statute provides for the party to expand from an established political party in the City of Chicago to a County Wide political party.

7. That no provision in the election Code provides for the expansion of an established City Wide political party to run slates of candidates County Wide, therefore, the only method for our party to expand to a County Wide party is to file on the County Level as a new political party.

8. The HAROLD WASHINGTON PARTY which is an established political party in the City of Chicago is the SAME HAROLD WASHINGTON PARTY who filed as a New Political Party for County Wide slates of candidates for the November 6, 1990 election.

9. This Affidavit is made in support of the HAROLD WASHINGTON PARTY'S motion to strike and dismiss Objection 3 of the objections filed in Petition No. COEB-CO-02.

10. Further your affiant sayeth not.

_____

DAVID REED, SR.

"OFFICIAL SEAL"
Richard L. Barnett
Notary Public, State of Illinois
My Commision Expires 11/21/93

Signed and Sworn Before me
This 20th day of August, 1990.

_____

NOTARY PUBLIC

EXHIBIT B

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE COUNTY OF COOK, ILLINOIS

DOROTHY REED, et al Objectors, v. THE HAROLD WASHINGTON PARTY, Respondent.	)	No. 90 COEB CO 02

AFFIDAVIT OF NANCY JEFFERSON

I, NANCY JEFFERSON, on oath, depose and state:

1. That I am a resident of the City of Chicago and County of Cook, and reside at 2841 West Jackson Street, Chicago, Illinois.

2. I am a registered voter at the above mentioned address.

3. I am one of the original founders and Charter Members of the HAROLD WASHINGTON PARTY which ran a candidate for Mayor in Chicago in the 1989.

4. That I voted for David Reed, Sr. to be the new Chairman of the HAROLD WASHINGTON PARTY and authorized him to run a slate of candidates for County Wide Office for the November 6, 1990 election.

5. I support Party Chairman David Reed, Sr., and the expansion of the HAROLD WASHINGTON PARTY from a city wide party to a county wide party.

6. I support the slate of candidates of the HAROLD WASHINGTON PARTY for county wide offices for the November 6, 1990 election.

7. This affidavit is made in support of the HAROLD WASHINGTON PARTY'S motion to strike and dismiss Objection 3 of the objectives filed in Petition No. 90 COEB CO-02.

8. Further your affiant sayeth not.

NANCY JEFFERSON

Signed and Sworn Before me
This 20th day of August, 1990.

NOTARY PUBLIC

"OFFICIAL SEAL"
Richard L. Barnett
Notary Public, State of Illinois
My Commision Expires 11/21/93

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

BEFORE THE COOK COUNTY BOARD OF ELECTION

DOROTHY REED, ET AL, OBJECTORS, VS. THE HAROLD WASHINGTON PARTY, (HWP), RESPONDENT.	No. 90COEB COO2 Presiding, Hon. Stanley J. Kusper, Cook County Clerk; Hon. Aurelia Pucinski Cook County Circuit Court Clerk; and Ernesto Borgess.

MOTION OF THE HWP TO STRIKE AND DISMISS THE OBJECTIONS BECAUSE SAID OBJECTIONS ARE PRIMA FACIE FRAUDULENT.

* * *

[Caption Omitted]

MOTION OF THE H.W.P. TO STRIKE AND DISMISS

Now comes the H.W.P., Respondent, by and through its Co-Counsel, R. Eugene Pincham, and respectfully moves this Honorable Board of Election to strike and dismiss the alleged objections of paragraphs 5, and each subparagraph thereof, and paragraphs 6, pages 5 thru 14, of the alleged objections of Dorothy Reed, et al., Objectors, for the reasons that *said alleged objections and the 6,000 "Appendix-Recapitulation"* sheets submitted therewith and in support thereof, clearly reveal that said 6,000

"Appendix-Recapitulation" sheets are all the exact-same – photostatic copies of one original *"Appendix-Recapitulation"* sheet, the new-modern-revised-1990 illegal and fraudulent *Roundtabling* Objection Procedure; and said *6000 "Appendix-Recapitulation"* sheets are manifestly and obviously prima facie flagrantly fraudulent; and for such other and further reasons as hereinafter set forth.

* * *

[Signatures Omitted]

SUGGESTIONS IN SUPPORT OF H.W.P.'S MOTION TO STRIKE AND DISMISS THE ALLEGED OBJECTIONS OF PARAGRAPHS 5 AND 6.

In support of the H.W.P.'s Motion to Strike and Dismiss the alleged objections of Paragraphs 5 and 6 because the 6000 "Appendix-Recapitulation" sheets submitted in support thereof are patent-prima facie-flagrant massive fraud, the H.W.P. respectfully represents unto this Honorable Election Board,

1. Paragraphs 5,(a)(b),(c),(d), pages 9-10 of the objections, allege in pertinent part that:

> "The (HWP) nomination papers are insufficient in fact and in law for the following reasons:
>
> (a) Said (HWP) nomination papers contain the names of numerous persons who did not sign in their own proper person, and these signatures are not genuine, as more fully set forth in the *Appendix-Recapitulation* (sheets) under the column designated *"Signature Not* Proper and Not Genuine," attached hereto and made a part hereof."

(b) Said (HWP) nomination papers contain the names of numerous persons who are not in fact duly qualified and registered voters at the addresses shown Illinois (sic) as more fully set forth in the *Appendix-Recapitulation* (sheets) under the column designated "Signer Not Registered at Address Shown," attached hereto and made a part hereof."

(c) Said (HWP) nomination papers contain the names of numerous persons who are not in fact residents of and registered voters of the said City of Chicago on the city petitions as more fully set forth in the *Appendix-Recapitulation* (sheets) under the column designated "Signer not in District", (Chicago Component), attached hereto and made a part hereof,"

(d) Said (HWP) nomination papers contain the names of numerous persons who are not in fact residents of and registered voters of the said suburban area of Cook County on the suburban petitions as more fully set forth in the *Appendix-Recapitulation* (sheets) under the column designated "Signer Not In District" (Suburban Component), attached hereto and made a part hereof * * * "

2. The 6000 objections *Appendix-Recapitulation* sheets, Nos. 1-6000 purportedly are the Objector's recapitulations of the corresponding 6000 HWP petitions, Nos. 1-6000, and the signatures thereon.

3. Significantly however, the Objectors fail to state who did the *recapitulation*, who prepared the *Appendix-Recapitulation* sheets, how, under what circumstances, when or by whom the recapitulation and or appendix were prepared.

4. The 6000 *Appendix-Recapitulation* sheets, above referred to and submitted in support of said objections, are all patent, obvious, prima facie, flagrant, fraudulent, duplicate-photostatic copies of one and the same original, the new, modern, 1990, illegal roundtabling objecting procedure.

5. Practically, each and all of the Objector's *Appendix-Recapitulation* sheets 1 thru 6000, reveal, under the column "Signer not registered at address shown" the exact and same:

(1) At Line 1, the X protrudes at the right bottom into the left column designated "Signer not in District:

(2) At Line 4, the X at the bottom right does not extend to the bottom of line 4:

(3) At line 4, there is a vertical line at the left side of the column:

(4) At line 7, the X at the bottom left extends beyond the column line and into the number 7 line.

(5) At line 10, the X at the left bottom also extends across the column line and into the No. 10 column, and does not extend to the bottom line of the column.

6. Practically, each and all of the Objector's *Appendix-Recapitulation* sheets 1 thru 6000, reveal under the column "Signature not proper person and not Genuine", the exact and same:

(1) At line (1) the bottom right X extends into the adjacent right column, designated "Incomplete Address."

(2) At line (7) the bottom left of the X extends into the adjacent left column, designated "Signer not in District."

(3) At line (8) the upper left of the X extends into the adjacent left column, designated "Signer not in District" and also extends into line 7.

(4) At line (8) the bottom right of the X extends into the right adjacent column, designated "incomplete Address."

7. From the foregoing, as well as a mere cursory examination of the Objector's 6000 *Appendix-Recapitulation* sheets, it is patently obvious that that they, each and all, are photostatic duplicate copies of one and the same original.

8. From the foregoing, it is obviously apparent that the Objector photocopied an original Appendix-Recapitulation sheet which then had the X's inserted in lines 1 thru 10, under the columns "Signer not registered at Address Shown" and "Signatures not proper person and not Genuine", and that thereafter the *Appendix-Recapitulation* photostatic copies were numbered at the top left under "Sheet No.", numbers 1 thru 6000.

9. Although all the Objectors' 6000 *Appendix-Recapitulation* sheets contain the additional columns "Signer not in District", "Incomplete Address", "Improper Circulation", "Duplicate", "Circulator Circulated Dem. Petitions", "Circulator Circulated Rep. Petitions", "Circulator Signed Rep. Petitions", "Signed Dem. Petitions," "Signed Rep. Petitions," "Duplicate Signatures," "Other Circulator Not Registered." Yet, not a single X is placed in any of

said columns in the Objectors 6000 *Appendix-Recapitulation* sheets, an honest, mathematical computer improbatility [sic] – no – an impossibility.

10. From the above and foregoing, all the Objectors' 6000 *Appendix-Recapitulation* sheets are obvious photostatic-duplicate copies of an original, the new modern – 1990 illegal roundtabling objecting procedure.

11. These Objector's 6000 *Appendix-Recapitulation* sheets are a despicable, reprehensible and intolerable attempted fraud on this Honorable Election Board for which this Honorable Board should rightly hold the Objectors in contempt of this Honorable Election Board, and the HWP so prays.

12. Moreover, on August 13, 1990 when the herein mentioned objections were filed, no one had checked or compared any address or signatures on the HWP petitions with any address or signature of any registered voter on the official voters' registration card, commonly referred to as the binder, and therefore there could not have thereby been a determination that the "Signer (was) not registered at Address Shown," or that the "Signature (was) not the Proper Person and not Genuine."

13. Additionally, no one checked with or ascertained from any signature or any circulator of the H.W.P. petitions or from any other source that such signature was "Not registered at the Address Shown," or that the "Signature (was) not (that of the) proper person and not Genuine."

14. Although paragraph 5(e) at page 10 of the objections allege that

> "Said (HWP) nomination papers contain the names of numerous persons who signed the petition more than once, the second and any subsequent signatures being invalid. The duplicate signatures are more fully set forth in the *Appendix-Recapitulation* under the column designated "Duplicate Signature," attached hereto and made a part hereof * * * "

Nevertheless, the Objectors' 6000 photostatic illegal, fraudulent roundtable objection sheets do not indicate or set forth any duplicate signatures or any duplicate names.

15. As previously stated in paragraph 8 herein, regarding the objections of paragraph 5,

subparagraph (f)	"Incomplete Address"
subparagraph (g)	"Petitions not Signed by Circulator"
subparagraph (h)	"Forged Circulators' Signatures"
subparagraph (i)	"Circulator not Registered (voters)
subparagraph (j)	"Non Resident Circulators"
subparagraph (k)	"Circulator of Suburban Petitions Reside Outside the Suburban Area"
subparagraph (l)	"Circulator Address Incomplete"
subparagraph (o)	"Circulator did not appear before Notary,"

barely any of the Objectors' *Appendix-Recapitulation* sheets set forth; contain or indicate any such circumstance.

16. Ch. 46, Section 10-8, B, Ill. Revised Statute, provides in pertinent part, as follows:

> "The Objectors' Petition * * * shall state fully the nature of the objections to the Certificate of Nomination or nominating papers or petitions in question."

17. Paragraphs 5, subparagraphs A thru S, and paragraphs 6 do not "state fully the nature of the objection to the (HWP) nominating papers" as required by aforementioned statute, for which reason said paragraphs should be stricken and dismissed, and the HWP so prays.

18. The Honorable Judge Kusper of this Honorable Election Board astutely and correctly observed and stated on Tuesday, Jan. 2, 1990, in another challenge of nominating petition, the following:

> "CONVERSELY, WE COULD HAVE SOMEONE FILE AN OBJECTION PURE SHOTGUN WITH ABSOLUTELY NO BASIS AT ALL AND WE WOULD SIT HERE AND LISTEN TO THE ARGUMENTS AND THEN WE WOULD SEND IT OUT FOR A BINDER CHECK ON SIXTY-SOME ODD HUNDRED SIGNATURES ON A PURE FISHING EXPEDITION WITH NO BASIS AT ALL TO SEE WHAT WE COULD FIND. AND THAT WOULD BE WASTING THE ASSETS OF THE OFFICE INVOLVED, THE OFFICES INVOLVED."

19. In paragraph 5, subparagraph p, pages 12-13, the Objectors' falsely assert, and in the total absence of any supportive substantive factual allegation, that "the objections specified clearly evidence a patter of fraud, false swearing and a total disregard of the Illinois Election Law * * * on the basis of the pattern of fraud, false swearing and total disregard of the Illinois Election

Code." The Objectors objected to all the HWP petition signatures; and because said Objectors' allegations are false and totally unsupported by any substantive factual allegations, as required by the aforesaid statute, paragraph P should be stricken and dismissed, and the HWP so prays.

20. The "clear evidence of a pattern of fraud, false swearing and a total disregard of the Illinois Election Law" are the Objectors' new, revised, modern, 1990 6000 false and fraudulent roundtable photostatic-duplicate *Appendix-Recapitulation* sheets, previously specified, discussed and established herein.

21. Because the Objectors' following allegations of paragraph 5, subparagraph (g), page 13, are totally factually unsupported.

> "that the results of a pre-objection review of all the petition sheets circulated by Mary King Criss, Will Lawrence, Dino McNeal, Obie Roberts, Larry Smith and Barbara Williams evidence a pattern of fraud, false swearing, forgeries, irregularities permeating their petition sheets and a total disregard for the integrity of the electoral process and that their circulator's oath be found by this Board as incredible and that all the remaining signatures on their petition sheets be stricken in their entirety."

Said allegations should also be stricken and dismissed, and the HWP so prays.

22. A mere cursory look at HWP petitions Nos. 269, 709, 720, 750 to 768, 774, 775 and 3373 clearly reveals that said petitions are for Cook County and Chicago offices, and the objectors' contrary and false allegations of paragraph 5, subparagraph (r) at page 13, that said sheets

> "are in fact petition sheets which relate to those candidates to be elected from outside the city of Chicago and therefore all signatures on said sheets, insofar as they pertain to those candidates to be elected from the city of Chicago, should be stricken in their entirety,"

are factually unsupported and are adverse to the face of said petitions, for which reasons the objections thereto should be stricken and dismissed, and the HWP so prays.

23. Likewise, a mere cursory examination of HWP petitions Nos. 324-331, 1198, 2111 and 4063 discloses that said petitions are for County and city offices for which Chicago voters may vote, and therefore the Objectors' contrary allegations of Paragraph 5, subparagraph S, pages 13-14, that

> "sheets 324 to 331, 1198, 2111 and 4063 from the petition component that includes those candidates to be elected from the city of Chicago, which are in fact non-conforming petition sheets which include candidates to be elected to the office of Commissioner of the Metropolitan Water Reclamation District of Greater Chicago, Illinois. Therefore, these non-conforming sheets, which do not contain a complete slate of candidates to be elected from the County of Cook, are invalid and should be stricken in their entirety,"

are false, factually unsupported and should therefore to stricken and dismissed, and the HWP so prays.

24. Paragraph 6 at page 14 of the objections falsely assert, and in the total absence of any substantive factual supportive allegations, that

> "The Objectors further state that fifteen percent of all signers to the petitions for the nomination of the Harold Washington Party were examined

> with the result that 53% of that amount were found to be invalid and contrary to the requirements of the Election Code.
>
> Accordingly, it is clear that the number of invalid signatures to the petitions for nomination of the Harold Washington Party is so large as to demonstrate a conscious disregard of the statutory requirements and demonstrate strongly that virtually all of the signatures to those petitions are invalid and fail to meet the requirements of the Illinois Election Code."

25. The Objectors do not set forth how or in what manner, or by whom, or when "15% of all signers to "the petitions for the nomination of the Harold Washington Party were examined."

26. As previously stated herein, no one compared the HWP petition signatures with the official voters' signatures in the binders, no one checked with or talked to the HWP petition signators or petition circulators, or anyone else.

Thus, the Objectors' false and factually baseless assertions that an examination of 15% of the signers of the HWP petitions revealed "that 53% of that amount were found to be invalid and contrary to the requirements of the should be stricken and dismissed, and the HWP so prays.

27. Again, it is the Objectors, by and thru their aforesaid alleged objections and their 6000 false and fraudulent photostatic *Appendix-Recapitulation* sheets, who "demonstrate a conscious disregard by the statutory requirements * * * and fail to meet the requirements of the Illinois Election Code."

28. From and by reason of the above and foregoing there is no reason and no factual or legal basis has been asserted, shown or established for a "full scale (or for any other) binder review, as requested by the Objectors, and such request should therefore be denied, and the HWP so prays.

29. The HWP respectfully prays, by reason of the above and foregoing, that each and every request of the HWP herein before prayed be granted and that the Objectors' objections to the HWP petitions be stricken, dismissed and held for naught.

* * *

[Signatures and Certification omitted]

David Reed

/s/ R. Eugene Pincham
R. Eugene Pincham

Subscribed and sworn to before me this *20th* day of *August 1990*.

Notary Public

Seal

My Commission Expires:___

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY, A NEW POLITICAL PARTY, AND TO EACH OF THE FOLLOWING CANDIDATES OF THE HAROLD WASHINGTON PARTY:

No. 90 COEB CO 02

COUNTY-WIDE

BARBARA J. NORMAN
JANICE H. ROBINSON
DONALD PAMON
HELDIA R. RICHARDSON
TOMMY BREWER
CHARLES W. ALEXANDER
DOROTHY C. HOGAN
WILL LAWRENCE
KENNETH G. HOPKINS

INSIDE THE CITY OF CHICAGO

R. EUGENE PINCHAM
ROBERT E. PINCHAM, JR.
BARBARA J. NORMAN
PERCY V. COLEMAN
VIVIAN D. STEWART-TYLER
JAMES A. DEANES
DINO F. McNEAL
MARY KING CRISS
DAVID T. PERSONS
HELEN E. JONES

OUTSIDE THE CITY OF CHICAGO)
ROBERT E. BROOKS, JR.)
MELLO SAM H. CLORA)
JUDY MARIE HAWTHORNE)
CHESTER LeSURE)
CELIA DUNCAN)
DON C. PASSMORE, JR.)
BOBBIE J. SMITH)
)

MEMORANDUM IN SUPPORT OF THE VERIFIED OBJECTORS' PETITION AND IN RESPONSE TO PETITIONER'S MOTIONS TO STRIKE OBJECTIONS

I. FAILURE TO FILE A COMPLETE SLATE OF CANDIDATES FOR ALL OFFICES TO BE FILLED IN THE POLITICAL SUBDIVISION OF THE COUNTY OF COOK INVALIDATES THE HAROLD WASHINGTON PARTY NOMINATION PAPERS. (Paragraph 1(a) of the Objectors' Petition)

§10-2 of the Election Code requires that:

> "In the case of a petition to form a new political party within a political subdivision in which officers are to be elected from districts and at-large, such petition shall consist of separate components for each *district* from which an officer is to be elected. . . . Each sheet of such petition must contain a *complete list of the names of the candidates of the party for all offices to be filled in the political subdivision, but the sheets comprising each component shall also contain the names of those candidates to be elected from the particular district.*" (Emphasis added)

§1-3(6) of the Election Code defines a Political subdivision as a "unit of local government". Article VII §1 of the Illinois Constitution defines unit of local government to include counties. Hence, the County of Cook is a

political subidivision [sic] in terms of §10-2. Therefore, the Harold Washington Party must "field a complete list of candidates" for all offices to be filled at the ensuing general election.

§1-3(14) of the Election Code defines "district" as:

> "any area which votes as a unit for the election of any officer, other than the State or a unit of local government or school district, and includes, but is not limited to, legislative, congressional and *judicial districts, judicial circuits, county board districts,* municipal and sanitary district wards, school board districts, and precincts."
> (Emphasis added)

Chapter 34 Ill.Rev.Stat. §2-6001 provides for the election of 15 Cook County Commissioners every four years "by the legal voters of Cook County". . . . §2-6001 states further that ten of said commissioners shall be elected from legal voters of the City of Chicago and five commissioners shall be elected from legal voters of the towns outside the City of Chicago.*

The petition of the Harold Washington Party to form a new political party in the County of Cook has been filed, consisting of two separate components: (i) inside the City of Chicago and (ii) the towns outside the City of Chicago. Both components list candidates to be elected at large by legal voters of the County of Cook *with the*

---

* Currently the composition of the Cook County Board of Commissioners is seventeen – ten commissioners being elected within the City of Chicago – seven commissioners from the suburban area outside of Chicago; this pursuant to District Court Order following the decennial census for 1970 and 1980.

exception of judicial candidates. The towns outside the City of Chicago component additionally lists candidates to be elected in the towns outside the City of Chicago *with the exception of judicial candidates*.

By filing said petition components listing different candidates for the two different districts the petitioners are estopped from claiming that the City of Chicago and the towns outside the City of Chicago are not separate districts in terms of §10-2. Stated otherwise, §10-2 requires "separate components for each district from which an officer is to be elected." Petitioners have complied with this statutory provision, but have failed to file "a complete list of the names of the candidates of the party for all offices to be filled in the political subdivision at large" and have further failed to have each component " . . . contain the names of those candidates to be elected from the particular district."

Article VI, §1 of the Illinois Constitution provides that the first judicial District consists of Cook County. Article VI, §3 of the Illinois Constitution provides that three Supreme Court judges shall be selected from the First Judicial District. Article VI, §5 of the Illinois Constitution provides that the number of Appellate judges to be selected from each judicial District shall be provided by law. Regarding Circuit Court judges, Article VI, §7 of the Constitution provides that the First Judicial District (Cook County) shall constitute a judicial circuit. The Illinois Act relating to the "circuit courts" state that "(The) County of Cook shall be one judicial circuit." (Ill.Rev.Stat., Ch.37, §72.1) In other words, the Cook County judicial circuit is comprised of the County of

Cook. Hence, Article VI of the Illinois constitution provides that Supreme, Appellate and a segment of the Circuit Court judges shall be elected from the entire County of Cook.

Paragraph 1(a) of the Objectors' petition alleges that the nomination papers are invalid for failure to list Harold Washington Party candidates for the judicial office on page 4 of the objectors' enumerated petition. Attached as Exhibit A is a list of the judicial offices to be elected at large by electors of the political subdivision of Cook County as certified by the Clerk of Cook County. The petition at issue omits these judicial candidates; hence the petition is invalid.

In this regard, the decision of *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977) stands for the proposition that the requirement that a new political party petition must contain a complete slate did not necessitate removal from the ballot of the names of all candidates when only one candidate out of a full slate was found to be ineligible as a candidate. However, the majority points out "the General Assembly, contrary to the position of both dissents, did not exact that there be a complete list of *eligible* candidates, *but only a complete list of candidates*." (365 N.E.2d 900 at 905). The nomination papers at issue fail even to meet this Supreme Court standard of a "complete list of candidates".

II. FAILURE TO FILE A COMPLETE SLATE OF CANDIDATES FOR ALL OFFICES TO BE FILLED IN THE CITY OF CHICAGO DISTRICT AND THE TOWNS OUTSIDE THE CITY OF CHICAGO DISTRICT.

(Paragraphs 1(b) and 1(c) of the Objectors' Petition)

In addition to the failure to list Cook-County-wide judicial offices, the Harold Washington Party nomination papers fail to (a) list judicial offices to be elected from the City only on the City of Chicago district component and (b) further fails to list judicial offices to be elected from the towns outside the City of Chicago district component. These judicial vacancies are listed on attachment A to this memorandum.

The filers of the Harold Washington Party nomination papers failed to meet their clear duty to file a full judicial slate in each of the County of Cook components as based upon the Illinois Constitution's Judicial Article and the legislative history of Ch. 37 Ill.Rev.Stat. which descends therefrom.

Article VI of the Illinois Constitution of 1970, §2 and 7 provides that the Cook County Judicial Circuit shall be divided into three separate units for the purpose of selecting Circuit Court judges, unless otherwise provided by law. These units are comprised of the following districts 1. Cook County (for judges to be elected at large) 2. Chicago and 3. That portion of the County referred to by the statute as the towns outside Chicago.

In this regard, Ch. 37 Ill.Rev.Stat. §72.42 was adopted as amended by P.A. 77-1814 §2 effective. July 1, 1978 and sets forth the number of judges allocated to each of the three units of the Cook County Judicial Circuit.

Specifically, the County of Cook shall have 83 resident judges. Twenty-seven of those resident judges shall be elected from the unit comprised of the territory of the Circuit Court of Cook County outside the corporate limits of Chicago and 56 resident judges shall be elected from the unit within the corporate limits of Chicago. A vacancy in the office of resident judge of the Circuit Court of Cook County shall be filled from the unit in which it occurs." (Ill.Rev.Stat. 1987, Ch. 37, Par. 72.42(4).) Furthermore, "[w]hen a vacancy in the office of resident circuit judge is filled by election, the election shall be for the appropriate county or unit, and not for the entire circuit." Ill.Rev.Stat. 1987, Ch. 37, 72.42-1.

This entire statutory scheme was amended by the Illinois Legislature upon the passage of P.A. 86-786, effective September 6, 1989 to provide for a different and more complex scheme for subdivision of the Cook County Judicial Circuit into individual subcircuits. However, the pertinent provisions of P.A. 86-786 were recently held unconstitutional by the Illinois Supreme Court in *Chicago Bar Association v. State Board of Elections*, No. 69823.

This decision returned the pertinent provisions of Ch. 37 Ill.Rev.Stat. to the *status quo ante* by reinstating the three separate units of the Cook County Circuit and the staffing formula contemplated therefore under Ch. 37, §72.42 sub.par.4.

In summary, the Harold Washington Party nomination papers fail to contain the requisite judicial candidates in the City of Chicago's only district component, and further fails to list the requisite judicial candidates in

the towns outside Chicago district component (see attachment "A"). Since the nomination papers at issue fail to meet this standard of a complete list of candidates in each district component, the Harold Washington Party and all candidates appearing on said nomination papers are not eligible for ballot placement.

The Motion to Strike and Dismiss Objection 1 is without merit. Indeed, the assertion by the HWP that judicial offices are state offices rather than county offices is a red herring and is urged in direct contravention of Section 10-2 of The Election Code which deals specifically with the subject matter of the formation of new political parties. Specifically, The Eiection Code provides that:

> "In the case of a petition to form a new political party within a political subdivision in which *officers* are to be elected from districts and at large . . . such petition must contain a complete list of the names of the candidates of the party for *all offices* to be filled in the political subdivision at large . . . . " (Emphasis added)

As demonstrated earlier, Cook County is a "political subdivision" and judicial offices are to be filled within Cook County. It is crystal clear, therefore, that some of the offices to be filled at the next election are judicial offices and that the election will be from "districts and at large". Thus, the statute does not exclude judicial offices, but on the contrary, requires that the petition to form a new political party list candidates for "all offices to be filled in the political subdivision at large". In addition, The Election Code (Sec. 1-3[14]) expressly defines district as including not only "county board districts", but also "judicial districts" and "judicial circuits". At best, the argument asserted is disingenuous. The HWP cites only a

portion of the statute and conveniently omitted the critical portion. The statute provides as follows:

> "Any group of persons hereafter desiring to form a new political party throughout the State, or in any congressional, legislative or judicial district, *or in any other district or in any political subdivision (other than a municipality) not entirely within a single county,* shall file with the State Board of Elections a petition, as hereinafter provided; and *any such group of persons hereafter desiring to form a new political party within any county shall file such petition with the county clerk, . . .* " (Emphasis added)

The underscored portions of the statute demonstrate that any person desiring to form a new political party within any county, such as exists in this case, must file that petition with the County Clerk. Even if one construes the statute as indicating that judicial candidates must file with the State and not with the County, the fact remains that judicial candidates must still be included in order to comply with the statute's requirement to field a complete list of candidates.

In short, the requirements to establish a new political party are set forth in Article 10 of The Election Code and specifically in Section 10-2. No other provision of The Election Code deals with that subject matter. Accordingly, petitions to form new political parties must meet each and every requirement of Section 10-2. That section clearly provides that candidates of the new party for "all offices to be filled" must be contained in the petition. The petitioners' own actions further demonstrate the requirement that the names of candidates for "all offices" be set forth in their petition in that they filed a separate petition

and slate of candidates for the Chicago Metropolitan Water Reclamation District. Thus, the petitioners have admitted that candidates for all offices must be named.

III R. EUGENE PINCHAM WAS DEFEATED FOR NOMINATION AS A DEMOCRATIC CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE COOK COUNTY BOARD AT THE MARCH 20, 1990 PRIMARY ELECTION, AND IS THEREFORE INELIGIBLE TO BE A CANDIDATE OF THE HAROLD WASHINGTON PARTY.

(Paragraph 4 of the Objectors' Petition.)

Pursuant to the pertinent provisions of §10-2 of the Election Code:

> "A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible for nomination as *a* candidate of a new political party for election in that general election." (Emphasis added)

One of the listed candidates for Member of the Board of County Commissioners of Cook County on the HWP nomination papers, R. Eugene Pincham, was a Democratic Party candidate on the March 20, 1990 Party Primary ballot running for the office of President of the County Board of Commissioners as well as County Commissioner from inside the City of Chicago. Mr. Pincham was defeated in his candidacy for President of the County Board of Commissioners and another Democratic Party candidate was proclaimed as the successful Democratic Party nominee by the Cook County Canvassing Board.

In view of the aforesasid [sic] provisions of §10-2, Mr. Pincham is "ineligible" and not qualified to run as a new political party candidate for election at the November 6, 1990 General Election.

However, on August 6, 1990, R. Eugene Pincham, as required by §10-5 of the Election Code, filed a sworn statement of candidacy averring that he was "qualified" to run for office as a candidate of the Harold Washington Party. Objectors submit that Mr. Pincham, however, is not legally qualified as a Harold Washington Party new political party candidate and, therefore, his statement of candidacy is false and invalid and his nomination papers must be stricken.

It is the function of this Board to determine and follow the intent of legislative acts. *Lipsey v. Michael Reese Hospital*, 46 Ill.2d 32, 262 N.E.2d 450 (1907) In ascertaining the legislature's intention, the entire statute must be considered, as well as the evil to be remedied and the object to be attained. *People v. Bratcher*, 63 Ill.2d 534, 349 N.E.2d 31 (1976) The consequences resulting from various constructions of an act must also be taken into consideration. *People ex. rel. Holland v. Edelman*, 27 Ill.App.3d 793, 327 N.E.2d 338 (1975) It is to be presumed that the legislature in passing legislation did not intend absurdity, inconvenience or injustice. *Illinois Crime Investigation Commission v. Buccieri*, 36 Ill.2d 556, 224 N.E.2d 236, *cert. denied*, 389 U.S 848, 88 S.Ct. 75, 19 L.Ed.2d 117 (1967) Therefore, where several constructions may be placed upon a statute, this Board should select that which leads to a logical result and avoid those which would be absurd. *Board of Education v. Community High School District No. 211*, 89 Ill.App.2d 481, 232 N.E.2d 316 (1967)

However, where the language of a statute is plain and admits of no more than one meaning, the duty of interpretation does not arise, and the statute must be accepted on its face. Totten v. State Board of Elections, 79 Ill.2d 288, 403 N.E.2d 225, 227 (1980); *Jay v. Boyd*, 351 U.S. 345 (1956); *Mason v. Cutkomp*, 15 Ill.App.2d 378, 146 N.E.2d 382 (1957); *Salmans v. Dutz*, 16 Ill.App.2d 356, 148 N.E.2d 17 (1958). Sutherland, Statutory Construction, Chapter 46. (Emphasis added)

"On its face", according to §10-2 of the Election Code, R. Eugene Pincham, "A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election is ineligible for nomination as a candidate of a new political party for election in that general election. . . . "

And whether Mr. Pincham was successful as a Democratic nominee for the office of Member of the Board of County Commissioners of Cook County is indeed irrelevant. Since the statute is clear and unambiguous, it must be interpreted in accordance with the language of the statute. See e.g. 34 ILP Statutes, §116. To do so, renders Mr. Pincham ineligible as a candidate for nomination of the Harold Washington Party and further renders his statement of candidacy invalid, since his conduct is in direct violation of the Election Code. The only possible remedy for such violation is the removal of R. Eugene Pincham's name from the November 6, 1990 ballot.

IV. THE HWP PETITION SHOULD BE STRICKEN BECAUSE IT CONTAINS NO MORE THAN 7,560 SUBURBAN SIGNATURES WHERE THE ELECTION CODE REQUIRES A MINIMUM OF 25,000 SIGNATURES

The County of Cook consists of two separate districts. Namely (1) the area located inside the City of Chicago, and 2) the area located outside of the City of Chicago. Each are constitutes a district as defined in Section 1-3(14) of the Election Code which defines districts as:

> any area which votes as a unit for the election of any officer, other than the State or a unit of local government or school district, and includes, but is not limited to, legislative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts."

Section 10-2 of the Election Code provides in relevant part:

> "In the case of a petition to form a new political party within a political subdivision in which offices are to be elected from districts and at-large, such petition shall consist of separate components for each district from which an officer is to be elected. Each component shall be circulated only within a district of a political subdivision and signed only by qualified electors who are residents of such district. . . . *Each component of the petition from each district from which an officer is to be elected must be signed by qualified voters of the district equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district*

at which an officer was elected to serve the district." (Emphasis added.)

Section 10-2 also provides that:

> [W]henever the minimum signature requirement for a district or political subdivision new political party petition shall exceed the minimum number or signatures for State-wide new political party petitions at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for such district or political subdivision new political party petition."

Section 10-2 provides that a petition to form a new political party State-wide "shall be signed by 1% of the number of voters who voted at the last preceding State-wide general election or 25,000 qualified voters whichever is less."

Thus, Section 10-2 of the Election Code requires persons wishing to form a new political party within the County of Cook to file nomination petitions containing 25,000 signatures of qualified voters residing within the City of Chicago as well as 25,000 signatures of qualified voters residing outside the City of Chicago.

Because the HWP obtained no more than 7,560 suburban signatures the HWP clearly failed to obtain the necessary 25,000 suburban signatures required under Section 10-2 of the Election Code. The HWP nomination papers should, therefore, be stricken.

The HWP, however contends that a new political party in Illinois need only obtain the signatures of 25,000 qualified voters in order to gain access to the ballot, citing *Illinois State Board of Elections v. Socialist Workers'*

Party, 440 U.S. 173, 99 S.Ct. 983 (1979) as authority for this proposition. However, HWP's reliance upon this case is misplaced because the U.S. Supreme Court in that case simply held that the State of Illinois could not impose a more stringent signature requirement upon new political parties and independent candidates seeking office within the City of Chicago than it did for independent candidates and new political parties seeking State-wide office without some reason for the more stringent requirement. The Court held:

> The signature requirements for independent candidates and new political parties seeking offices in Chicago are plainly not the least restrictive means of protecting the State's objectives. The Illinois Legislature has determined that its interest in avoiding overloaded ballots in statewide elections is served by the 25,000-signature requirement. Yet appellant has advanced no reason, much less a compelling one, why the State needs a more stringent requirement for Chicago.
>
> * * *
>
> We therefore hold that the Illinois Election Code is unconstitutional insofar as it requires independent candidates and new political parties to obtain more than 25,000 signatures in Chicago. (99 S.Ct. 983, 991)

Following the Supreme Court's decision in the *Socialist Workers' Party* case, the Illinois General Assembly amended Section 10-2 of the Election Code. See Public Act 81-926, effective September 22, 1979. The legislature added the following sentence to paragraph four of Section 10-2:

> "However, whenever the minimum signature requirement for a district or political subdivision new political party petition shall exceed the minimum number of signatures for State-wide general election, such State-wide petition signature requirement shall be the minimum for such district or political subdivision new political party petition."

The Legislative Debates demonstrate that the legislature added this sentence to paragraph four of Section 10-2 in order to bring Section 10-2 of the Election Code into conformity with the Supreme Court decision in the *Socialist Workers' Party* case. See, Comment of Senator Rhodes on June 25, 1979, Senate Debates 91st General Assembly, Day 72, pages 194 to 195.

The General Assembly, however, did not amend that portion of Section 10-2 which requires each component of a petition to be signed by not less than 5% of the qualified voters who voted in the preceding regular election in such district or 25,000 signatures, whichever is less. Requiring such a minimal number of signatures serves the State's interests in preserving the integrity of Illinois electoral process and regulating the number of candidates on the ballot. The U.S. Supreme Court has found both these interests compelling. See *American Party of Texas v. White*, 415 U.S. 767, 782 no. 14, 94 S.Ct. 1296, 1307 (1974).

The HWP contends that the State may not impose a signature requirement in excess of 25,000 qualified voters. The 7th Circuit, however, has rejected this argument on at least two occasions. See *Bowe v. Board of Election Commissioners v. City of Chicago*, 614 F.2d 1147 (7th Cir. 1980) and

Gjersten v. Board of Election Commissioners of City of Chicago, 791 F.2d 472 (7th Cir. 1986). In fact the Seventh Circuit stated in *Bowe:*

> "The plaintiffs apparently take the position that the *Socialist Workers' Party* case stands for the broad proposition that a state may never impose a higher signature requirement for an office of a smaller subdivision than the requirement imposed for any office of a larger subdivison [sic]. We cannot agree." (614 F.2d 1147, 1151)

In *Bowe* and *Gjersten* the Seventh Circuit has consistently rejected such a "litmus paper test approach", *Bowe, supra* at 1152 and *Gjersten, supra* at 477.

The *Bowe* case, supra, is also instructive for another reason. The requirement that a County-wide "new political party" meet a 5% signature requirement in both the (i) "inside Chicago" and (ii) "suburban only" districts, is a proper legislative one, to wit: to assure that the new political party can show "a significant modicum of support before a new political party may appear on the ballot." (614 F.2d at 1151)

> Thus substantial minimum signature requirements serve compelling State interests, and the only question is whether the specific percentage chosen serves the State's compelling interests in a reasonable manner." (614 F.2d at 1151)

The 5% – 25,000 "suburbs only" district signature requirement is directed to that end and, respectfully, this Electoral Board, as seen, does not even have authority to consider the statutory signature requirement's reasonableness and constitutionality. For this reason, the

Board must apply the statutory 25,000 suburban signature requirement exactly as written.

(Parenthetically, it should be noted that it is already known that the HWP has city of Chicago substantial support, for it made the ballot there and became an established political party in that city. Ergo, the only County-wide new party question herein is whether the HWP has the requisite substantial suburban support.)

Section 10-2's 25,000 signature requirement requires a new political party running county-wide to demonstrate at least minimal support in both the City of Chicago and suburban Cook County. As noted previously, this requirement is not only reasonable but also serves compelling State interest. Thus, the 25,000 signature requirement for both the City of Chicago and suburban Cook clearly comports with the *Social Workers' Party* case and its progeny, and should be followed. Because the HWP failed to obtain the requisite number of suburban signatures, the petition should be stricken.

Even if the HWP were *arguendo* allowed to improperly contend that they need only 25,000 total signatures, the petitions would still be invalid. Since the legislature has manifested a clear legislative intent that the "outside Chicago" district component must have 5% support, and since it is elementary that the Courts must give effect to the intent of the legislature, the Board herein would still have to allocate the 25,000 requirement by the percentage of the total vote in the City of Chicago and the "suburbs only" to the total county vote at the last relevant election.

For example, in 1988, if the city had 55% of the total county vote, and the suburbs only 45%, then the 7,560

signatures that were filed for the suburbs is still too short. (25,000 x 45% = 12,250 required minimum signatures.)

V. THE HAROLD WASHINGTON PARTY IS AN ESTABLISHED POLITICAL PARTY IN THE CITY OF CHICAGO AND THEREFORE THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY VIOLATES THE SECTION 10-5 PROHIBITION AGAINST A NEW POLITICAL PARTY BEARING "THE SAME NAME" OF AN ESTABLISHED POLITICAL PARTY. THE HWP NAME SHOULD BE REMOVED FROM THE BALLOT.

(Paragraph 3 of Objectors' Petition.)

The Harold Washington Party ran a candidate for mayor of the City of Chicago, the only partisan office up for election, at the April 4, 1989 Special Mayoral Election. At this Election, the Harold Washington Party received well over 5% of the total votes cast for mayoral office. In fact, the Harold Washington Party candidate Timothy Evans received 41.11% of the total votes cast for Mayor; hence the HWP became an "established political party", pursuant to, and as defined by Article 10 – §10-1 and §10-2 – of the Illinois Election Code. (See Attachment B; a certification from the Chicago Board of Elections.)

These nomination papers directly violate the express mandate of Article 10-5 of the Election Code which states that a new political party petition for nomination:

> "(S)hall not bear the same name as, nor include the name of, *any* established political party as defined in this article." (Emphasis added)

The nomination papers at issue bear the name of an already "established political party," the "Harold Washington Party" and, as such, violate the §10-5 prohibition against a new political party bearing "the same name" of an established political party.

The Third Division of the First District Appellate Court has dealt with §10-5(2) of the Illinois Election Code. In *Doty v. Representation For Every Person (REP) Party*, (1981) 97 Ill.App.3d 316, 52 Ill.Dec. 947, 422 N.E.2d 1156, this Court looked to section 10-2 and 10-5 of the Illinois Election Code in finding the abbreviation "REP" included the name of an established political party (i.e., the Republican Party).

The Court went on to decide the *Doty* case solely as a matter of statutory construction citing §1002 of Chapter 1, Ill.Rev.Stat. 1979, and *Franzese v. Trinko* (1977), 66 Ill.2d 136, 5 Ill.Dec. 262, 361 N.E.2d 585.

> "Applying these principles to the instant case we believe that the plain and ordinary meaning of the language of the statute which prohibits use of a party name that includes the name of an established party, prohibits as well including such name in any abbreviated form."
>
> . . .
>
> Petitioner argues that it is the purpose of §10-5(2) to restrict a new political party from using the name of an established political party in order to avoid the perpetration of a fraud upon the electorate. We agree." *Doty*, 422 N.E.2d 1156, 1157

Additionally, See *Vasquez v. Municipal Officers Electoral Board*, 115 Ill.App.3d 1014, 450 N.E.2d 1379 (3rd Dist. 1983). In *Vasquez*, the candidates' nomination petitions

requested that they be designated as the "Action IV Party," a new political party with respect to an election to be held on April 12, 1983 in the village of Steger, Illinois. The "Action Party" had run candidates for election in the village for many years, under the labels of "Action Party," "Action Party II," and "Action Party III." "Action Party III" had slated candidates in the 1981 election and received more than 5% of the vote cast for the village officers such as to render it an established political party within the purview of section 10-2 of the Illinois Election Code. Ill.Rev.Stat. 1983, Ch. 46, Par. 10-2.

The *Vasquez* court first determined that "Action IV" was the same party which was designated as "Action III" and in prior years under the "Action" label and that it did not become a new political party merely by adding a Roman numeral at the end of the party name. Accordingly, the court found that the candidates failed to qualify and had wrongfully sought nomination under §10-2 as a new political party.

Additionally, in *Ballentine v. Bardwell*, 478 N.E.2d 500, 132 Ill.App.3d 1033 (First Dist. 1985) the court stated:

> "It is undisputed that the name "New United Idea Party" included the name of an established political party, the "United Idea Party," which fielded a slate of candidates at the municipal election held in Robbins, Illinois, on April 12, 1983, such as to constitute an established political party under the Code." Ill.Rev.Stat. 1983, Ch. 46, Par. 10-2).

The *Ballentine* Court ruled the "New United Idea Party" designation off the ballot, but allowed the *candidates* thereof to appear on the ballot, individually, without

party designation. Accordingly, this Honorable Board should order that the Harold Washington Party designation should be stricken from the ballot.

The motion of the HWP to dismiss this objection is specious. First, it has admitted, in Paragraph 7 of the Affidavit of David Reed, Sr., "That no provision of the Election Code provides for the expansion of an established City-wide political party to run slates County-wide." That is a startling admission, since it establishes conclusively that there is no statutory authority for the established HWP to simply expand and run slates of candidates County-wide. Further, it has acknowledged that a new political party shall not bear the same name as, nor include the name of any established political party.

In their motion to strike and dismiss Objection #3 of Objectors' Petition, the HWP candidates maintain that the prohibition against a new political party using an established political party's name "does not preclude any established political party from making nominations in those cases in which it is authorized to do so." The HWP candidates then argue further that the "established Harold Washington Party expressly authorized the use of the same name for the new political party . . . "

The HWP candidates however, overlook the prohibition in Section 10-2 of the Election Code which provides that once a party has become an established political party by receiving more than 5% of the votes at an election within a political subdivision, *such party's candidates shall thereafter be nominated "under the provisions of the laws regulating the nomination of candidates of established*

political parties at primary election and political party conventions . . . " i.e., by primary procedures or caucus procedures described in Section 7-1 of the Election Code. Furthermore, Section 10-1 of the Election Code provides that candidates for election by established parties may not be nominated under the provisions of Article 10 of the Election Code, its provision for nomination applying only to new parties.

Hence, the established Harold Washington Party is precluded by virtue of Sections 10-1 and 10-2 from authorizing any nominations of the candidates of its party pursuant to the new political party provisions of Article 10. *Accord.* See *Vasquez v. Municipal Officers Electoral Board,* 115 Ill.App.3d 1014 (3rd Dist. 1983).

Further, on its face, the very petition which is filed is one "to form a *new* political party" in Cook County [emphasis added]. It can hardly contend, therefore, that it should not be held accountable to meet all of the statutory requirements for the establishment of a "new" political party including the protection against using an established political party's name.

VI. SINCE OBJECTORS' 15% SAMPLING OF THE PETITION SHEETS ESTABLISHED THAT OVER 50% OF THE SIGNATURES ARE INVALID, THEN THIS ELECTORAL BOARD SHOULD ALSO INVALIDATE SIGNATURES NOT SPECIFICALLY OBJECTED TO.
(Paragraph 6 of the Objectors' Petition)

The court decisions of: *Canter v. Cook County Officers Electoral Board,* 170 Ill.App.2d 354, 523 N.E.2d 1299 (First.Dist. 1988); *Fortas v. Dixon,* 122 Ill.App.3d 697, 462

N.E.2d 615 (First.Dist. 1984) and *Huskey v. Municipal Officers Electoral Board*, 156 Ill.App.3d 201, 509 N.E.2d 555 (First Dist. 1987) stand for the proposition that when the sheets of a nominating petition submitted by purported and actual circulators evidence a patter of fraud, false swearing and total disregard for the mandatory requirements of the Election Code, the sheets purportedly circulated by that individual should be stricken in their entirety.

The Objectors have submitted evidence of false swearing by Exhibit "A" attached to Objectors' petition. In this regard, §10-4 of the Illinois Election Code sets forth the requirements of a new political party petition which must be complied as a prerequisite to being placed on the ballot. (Ill.Rev.Stat. 1989, Ch. 46, par. 10-4) A petition includes sheets containing signatures of qualified primary electors "in their own proper persons only." (Par. 10-4) The circulator must sign a statement under oath at the bottom of each petition sheet, certifying that the signatures on the sheet were signed in her present and are genuine. (Part. 10-4) The requirements of section 10-4 are mandatory. (*Schumann v. Kumarich* (1981), 102 Ill.App.3d 454, 58 Ill.Dec. 157, 430 N.E.2d 99; see also *Bowe v. Chicago Electoral Board* (1980, 79 Ill.2d 469, 38 Ill. Dec. 756, 404 N.E.2d 180 (finding paragraph 7-10, a section with a similar circulator's affidavit requirement, to be mandatory). These provisions of §10-4 are clearly violated here, where circulators permitted individuals to sign the Harold Washington Party nominating petition, even though they are not eligible signatories.

§10-4 of the Illinois Election Code further provides that the result of non-compliance with the petition

requirements is that, "No signature shall be valid or be counted in considering the validity of sufficiency of such petition unless the requirements of this Section are complied with". (Ill. Rev. Stat. 1985, Ch. 46, par. 10-4)

The Harold Washington Party candidates moved to strike the objections of Paragraph 5 and Paragraph 6, Pages 5 through 14 on the ground that the Appendix Recapitulation sheets "are manifestly and obviously prima facie flagrantly fraudulent".

However, the movants fail to cite even one court decision authorizing an electoral board to strike objections on the grounds advanced in said motion. Under Section 10-9(2) of the Election Code, this Honorable Board is required to "hear and pass upon objections to the nomination of candidates. . . . " Objectors respectfully submit that an electoral board ruling upon a motion that the objections are "prima facie flagrantly fraudulent" lacks statutory authority to dismiss such objections relating to the validity of signatures on a petition without performing objector's requested *binder check*. Objectors have filed a Verified Petition which prima facie states sufficient grounds to remove all candidates from the ballot for failure to file the requisite number of valid signatures. In this regard, pursuant to the adopted rules of this Honorable Board, specifically paragraph 6:

> " . . . nomination papers and objections shall be compared with those permanent registration records by either the Office of the County Clerk or the Chicago Board of Election Commissioners.
>
> . . . "

The allegations of the Appendix Recapitulation Sheets require that a binder check ensue to determine the validity of the signatures and likewise, to determine the validity of the objections.

The HWP motion also ignores the "pattern of fraud" section of the objection (see also, Argument VI. of this Memorandum). As stated therein, the objectors' specific sampling of 15% of the petition sheets established that over 50% of the petition signers on those petition sheets were not registered voters. Accordingly, the objectors have requested that this Board invalidate entire sheets and not just individual signatures because of the clear evidence of fraud permeating the petition circulator's process. Consistent with this, and to preserve this objection, the objectors have requested that the genuineness of all the signatures on the nominating petitions must be subjected to a binder check.

The myriad and specific objections to the validity of the signatures on the petitions as set forth in detail in Exhibit "A" filed simultaneously with the objections establishes that 15% of the total signatures were examined by the objectors and that 53% of that amount were invalid for various reasons. Based upon the pattern of fraud, false swearing and total disregard of the Illinois Election Code established in Exhibit "A", the objectors submitted their Appendix Recapitulation in which they assert, as they are entitled to under the law, that all of the signatures are invalid. Thus, the Appendix Recapitulation, rather than reflecting indiscriminate challenges, reflects, based upon the inordinate number of invalid signatures set forth in Exhibit "A", that all signatures

should be scrutinized by this Board through a binder check.

To summarize this argument, the movants improperly seek to inject a new standard for dismissing signature objections – a standard which has no basis in law. The validity of the signature objections in the Appendix Recapitulation sheets can only be determined by a binder check and reference to the official lists of registered voters. But the validity of such objections cannot be predetermined and dismissed upon the movants' mere conclusory epithets of "despicably reprehensible and intolerable attempted fraud." Moreover, by virtue of Exhibit "A" attached to the objections and incorporated therein, the objectors have challenged the genuineness of all signatures on the nominating petition. Their motion to strike objections should, therefore, be denied.

Hence, objectors request, in light of the above cited authority that this Honorable Board invalidate entire sheets and not just individual signatures because of clear evidence of fraud permeating the petition circulator's process.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this Honorable Board declare that the nomination papers of the Harold Washington Party and the nominations of all candidates appearing thereon be declared insufficient, null and void; not in compliance with the laws of the State of Illinois and lack the statutory minimum number of valid signatures for ballot placement and hence, are invalid, and that this Honorable Board enter its

decision that the Harold Washington Party and the names of all candidates appearing on said nomination papers not be printed on the official ballot for the General Election to be held on November 6, 1990.

Respectfully submitted,

Dorothy Reed, Valerie A. sutton,
Patton L. Feichter, Ervin S.
Ricks and David Barrera

By /s/ George N. Leighton
George N. Leighton,
Their Attorney

* * *

[Exhibits omitted in printing]

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF THE HAROLD WASHINGTON PARTY AND TO ALL CANDIDATES OF THE HAROLD WASHINGTON PARTY APPEARING ON SAID NOMINATION PAPERS

OBJECTIONS TO THE NOMINATION PAPERS)
OF THE HAROLD WASHINGTON PARTY, A)
NEW POLITICAL PARTY, AND TO EACH OF)
THE FOLLOWING CANDIDATES OF THE)
HAROLD WASHINGTON PARTY:)
)
COUNTY-WIDE)
BARBARA J. NORMAN)
JANICE H. ROBINSON)
DONALD PAMON)
HELDIA R. RICHARDSON)
TOMMY BREWER)
CHARLES W. ALEXANDER)
DOROTHY C. HOGAN)
WILL LAWRENCE)
KENNETH G. HOPKINS)
)
INSIDE THE CITY OF CHICAGO)
R. EUGENE PINCHAM)
ROBERT E. PINCHAM, JR.)
BARBARA J. NORMAN)
PERCY V. COLEMAN)
VIVIAN D. STEWART-TYLER)
JAMES A. DEANES)
DINO F. McNEAL)
MARY KING CRISS)
DAVID T. PERSONS)
HELEN E. JONES)
)

OUTSIDE THE CITY OF CHICAGO)
ROBERT E. BROOKS, JR.)
MELLO SAM H. CLORA)
JUDY MARIE HAWTHORNE)
CHESTER LeSURE)
CELIA DUNCAN)
DON C. PASSMORE, JR.)
BOBBIE J. SMITH)

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF OBJECTIONS #2 AND #3 OF THE VERIFIED OBJECTORS' PETITION AND IN OPPOSITION TO THE MOTIONS TO STRIKE THESE OBJECTIONS

Now come the Objectors, by and through their attorney George Leighton, and hereby supplement their previous memorandum and state as follows:

I.

In paragraph 2 of the Objectors' petition, it is alleged that the outside-the-city component of the HWP nomination papers contain on their face no more than 7,560 purported valid signatures of electors residing in this district. The HWP proponents have not disputed this fact. The Objectors further allege that the pertinent provisions of §10-2 would require the necessary minimum of 25,000 signatures of electors in this area.

The Respondents allege, citing the *Socialist Workers' Party* decision as authority, that to require 25,000 for the outside-the-city component of the petition and an additional 25,000 signatures for the inside-the-city component would be unconstitutional since only 25,000 signatures are required for State-wide candidacy.

In Argument VI of the Objectors' memorandum, the Objectors maintain that the HWP's reliance on the *Socialist Workers' Party* decision is misplaced, and that the State of Illinois can constitutionally impose a more stringent signature requirement upon new political parties seeking ballot access for officers elected by electors county-wide and from districts within a County than the signature requirements for State-wide officers.

The Objectors do not waive this argument. However, additionally it need be noted that §10-2 requires that each component of the petition for *each* district from which an officer is to be elected must be signed by qualified voters equaling not less than 5% of the number of voters who voted at the next preceding regular election at which an officer was elected to serve the district.

In this regard, 1986 was the last election at which officers were elected to serve the Cook County Board districts of inside the city of Chicago and the towns outside the city of Chicago. Attached hereto are the official final results from the County of Cook, which reflects that 1,476,370 voters cast ballots county-wide, that 841,085 ballots were cast in the city and that 635,285 ballots were cast in the district outside the city. Based on these figures, the city and the outside the city vote percentages are 57% and 43%, respectively.

In the *Socialist Workers' Party* case, the District Court enjoined enforcement of the 5% provision insofar as it mandated more than 25,000 signatures. This order was affirmed by the Court of Appeals and the Supreme Court of the United States.

Assuming, in arguendo, that the State could not constitutionally require more than 25,000 signatures county-wide, then applying the 43% factor to a 25,000 maximum, the HWP would still require a minimum of 10,750 signatures (or 43% of the 25,000). This approach would comport with the *Socialist Workers' Party* decision.

Therefore, Objectors request that this Honorable Board not only find that the outside-the-city component lacks the requisite 25,000 signatures and is therefore invalid, but to further find that even if 25,000 signatures were the maximum signatures required county-wide, that the outside-the-city component of the petition on its face would still contain insufficient valid signatures for ballot placement.

II.

An additional point to be addressed herein is the effect of invalidating the outside-the-city component of the petition on the validity of the HWP nomination papers as a whole. The Objectors submit that the invalidation of the outside-the-city component of the petition would dictate that the nomination papers be deemed invalid in their entirety.

In this regard, the decision of *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977), stands for the proposition that the §10-2 requirement that a new political party petition must contain a "complete list of candidates" did not necessitate the removal of the names of all candidates on the petition from the ballot when only one listed candidate is ineligible. However, the *Anderson* decision would not provide support for striking only the

outside-the-city "component," but rather the entire petition must fall. Stated otherwise, the "complete list of candidates" statutory construction involved in *Anderson* does not and cannot provide authority for striking only the outside-the-city "component."

First of all, in distinction to *Anderson*, the issue herein does not concern *ineligibility* of any candidate to run but rather a completely different statutory provision; namely, insufficient signatures on a statutorily required "district" "component" of the petition. In *Anderson*, in fact, there were more than sufficient signatures for ballot placement. Indeed, the entire focus of the *Anderson* decision was sufficient valid signatures coupled with the ineligibility of merely one of the many candidates listed. Secondly, the *Anderson* petition did not consist of two statutorily mandated *separate* district components as here, but rather only one uniform nominating petition.

Moreover, §10-2 requires that when a new political party is fielding candidates from both at-large and from districts; "The entire petition, *including all components*, must be signed by . . . " (Emphasis Added) the requisite 5% of the voters in each district. In pertinent part, Article 10 of the Election Code provides:

> "In the case of a petition to form a new political party within a political subdivision in which officers are to be elected from districts and at-large, such petition shall consist of *separate components for each district from which an officer is to elected. Each component* shall be circulated only within a district of the political subdivision and signed only by qualified electors who are residents of such district. Each sheet of such petition must contain a complete list of the names of

> the candidates of the party for all offices to be filled in the political subdivision at-large, but the sheets comprising each component shall also contain the names of those candidates to be elected from the particular district. *Each component of the petition for each district* from which an officer is to be elected must be signed by qualified voters of the district equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district at which an officer was elected to serve the district. The entire petition, including all component, must be signed by a total of qualified voters of the entire political subdivision equaling in number not less than 5% of the number of voters who voted at the next preceding general election in such political subdivision at which an officer was elected to serve the political subdivision at-large.
>
> *The filing of such petition shall constitute the political group a new political party, for the purpose only of placing upon the ballot at the next ensuing election such list . . . of party candidates . . .* "
> (Emphasis Added)

Therefore, if "such petition" contains the requisite 5% signatures for "*each* component of the petition for *each* district," the statute provides that the new political party shall be placed on the ballot in the county. If, however, "such petition" does *not*, as here, contain the requisite 5% signatures for "each" "district" "component," then §10-2 calls for the new political party and all its candidates *not* being placed "upon the ballot." An Electoral Board would not have the authority to legislate or rewrite the statute to achieve the improper, peculiar and unprecedented result of allowing the HWP to run as a county-wide party in the City of Chicago only.

Since the outside-the-city district component is invalid on its face, the entire petition is invalid according to the above-cited provisions of §10-2.

III.

An additional point to be addressed is the sanction to apply to new political party candidates when they violate the Article 10 prohibition against using the same name of an established political party. As cited in Section V of the Objectors' Memorandum, the decisions of *Doty v. Representation For Every Person (REP) Party*, 97 Ill.App.3d 316, 52 Ill.Dec. 947, 422 N.E.2d 1156 (1981); *Vasquez v. Municipal Officers Electoral Board*, 115 Ill.App.3d 1014, 450 N.E.2d 1379 (3rd Dist. 1983) and *Ballentine v. Bardwell*, 478 N.E.2d 500, 132 Ill.App.3d 1033 (First Dist. 1985) – all allowed the candidates to appear on the ballot without party designation.

However, in the three above-cited cases, the times for filing new political party petitions and independent petitions were the same. But, in the instant case, the time for filing independent candidate petitions was December 11-18, 1989 (See Chap. 46, §7-12 and §10-3). Since the petitions in this case were not filed until long after the date for filing of independent candidate petitions, the candidates cannot, as a matter of law, be on the ballot under any label. Cf. *Stevenson v. State Board of Elections*, 638 F.Supp. 547 (N.D.Ill 1986) aff'd 794 F.2d 1176 (7th Cir. 1986)

Therefore, Objectors submit that, as in the instant objection, when the filing period for independent candidates precedes the filing period for new political party

candidates and the new political party uses the same name as an established political party, then the proper sanction would be to remove from the ballot all candidates appearing on said petition.

/s/ George N. Leighton
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION

DOROTHY REED, VALERIE A. SUTTON, PATTON L. FEICHTER, ERVIN S. RICKS, and DAVID BARRERA,

Petitioners,

-vs-

STANLEY T. KUSPER, JR., AURELIA PUCINSKI and ERNESTO D. BORGES Constituting the COOK COUNTY OFFICERS ELECTORAL BOARD; and BARBARA J. NORMAN, JANICE H. ROBINSON, DONALD PAMON, HELDIA R. RICHARDSON, TOMMY BREWER, CHARLES W. ALEXANDER, DOROTHY C. HOGAN, WILL LAWRENCE, KENNETH G. HOPKINS, R. EUGENE PINCHAM, ROBERT E. PINCHAM, JR., BARBARA J. NORMAN, PERCY V. COLEMAN, VIVIAN D. STEWART-TYLER, JAMES A. DEANES, DINO F. McNEAL, MARY KING CRISS, DAVID T. PERSONS, HELEN E. JONES, ROBERT E. BROOKS, JR., MELLO SAM H. CLORA, JUDY MARIE HAWTHORNE, CHESTER LeSURE, CELIA DUNCAN, DON C. PASSMORE, JR. and BOBBIE J. SMITH,

Respondents.

No. 90 CO 00238

PETITION FOR JUDICIAL REVIEW OF ELECTORAL BOARD DECISION 90 COEB-2

NOW COME the petitioners DOROTHY REED, VALERIE A. SUTTON, PATTON L. FEICHTER, ERVIN S. RICKS, and DAVID BARRERA, by and through their attorney George N. Leighton, and petition this Honorable Court, pursuant to Ill. Rev. Stat. Chapter 46, §10-10.1, for judicial review of the August 29, 1990 decision of the Cook County Officers Electoral Board ("Electoral Board") overruling the objections of Petitioners to the nomination papers of the Harold Washington Party ("Nomination Papers") and its candidates for: County-wide office; and Members of the Board of Cook County Commissioners inside the City of Chicago only. In support of this petition, Petitioners state as follows:

1. On August 6, 1990, the Harold Washington Party, and the candidates thereof, filed a petition to form a "new political party in the County of Cook" with the Clerk of Cook County. This petition consisted of two separate components:

    a. The first component listed nine (9) candidates for County-wide office and the ten (10) candidates for the office of Member of the Board of Cook County Commissioners inside the City of Chicago only.

    b. The second component listed nine (9) candidates for County-wide office and the seven (7) candidates for the office of Member of the Board of Cook County Commissioners outside the City of Chicago only.

2. On August 13, 1990, Petitioners filed their Verified Objectors' Petition to the aforesaid Nomination Papers with the Clerk of Cook County.

3. Respondents STANLEY T. KUSPER, JR., AURELIA PUCINSKI and ERNESTO D. BORGES are members of and constitute the COOK COUNTY OFFICERS ELECTORAL BOARD.

4. Respondents BARBARA J. NORMAN, JANICE H. ROBINSON, DONALD PAMON, HELDIA R. RICHARDSON, TOMMY BREWER, CHARLES W. ALEXANDER, DOROTHY C. HOGAN, WILL LAWRENCE, KENNETH G. HOPKINS, R. EUGENE PINCHAM, ROBERT E. PINCHAM, JR., BARBARA J. NORMAN, PERCY V. COLEMAN, VIVIAN D. STEWART-TYLER, JAMES A. DEANES, DINO F. McNEAL, MARY KING CRISS, DAVID T. PERSONS, HELEN E. JONES, ROBERT E. BROOKS, JR., MELLO SAM H. CLORA, JUDY MARIE HAWTHORNE, CHESTER LeSURE, CELIA DUNCAN, DON C. PASSMORE, JR. and BOBBIE J. SMITH, are candidates appearing on the Harold Washington Party Nomination Papers.

5. The Objectors' Petition alleged that the Nomination Papers are invalid for the following reasons:

   a. Failure to comply with the pertinent provisions of §10-2 of the Election Code, namely that the Nomination Papers did not contain a complete list of candidates for all offices to be filled in: (1) the political subdivision at-large (County of Cook); (2) the inside-the-City-of-Chicago district and (3) the Outside-the-City-of-Chicago district.

      Specifically, the Nomination Papers fail to list any of the candidates for the judicial offices scheduled to be filled County-wide from the County of Cook, inside the City of Chicago and outside the City of Chicago, at the November 6, 1990 general election. These offices are identified on pages 4-5 of the Verified Objectors' Petition.

b. Failure to comply with the pertinent provision of §10-2 of the Election Code relating to the minimum number of signatures required on each district component of the Nomination Papers.

Specifically, in paragraph 2 of the Objectors' petition, it is alleged that "the 'outside the city of Chicago' district of the nomination papers contain on their face a total of no more than 7,560 purported valid signatures of electors residing in the portion of Cook County outside the city of Chicago . . . " when the statute requires a minimum of 25,000 valid signatures of such electors. Therefore, the Nomination Papers are void and invalid in their *entirety*.

c. The Nomination Papers purport to create a "new political party" in the County of Cook, with the name "Harold Washington Party." By so doing, these Nomination Papers violate the prohibition in §10-5(2) of the Election Code against "new political party" nomination papers bearing the same name as any established political party as defined in Article 10. The Objectors maintained that since the Nomination Papers bear the name of an "established political party" – the Harold Washington Party – they are invalid.

d. The Objectors' Petition further alleged in paragraph 4 that R. Eugene Pincham, a Harold Washington Party candidate for the office of Member of the Board of County Commissioners of Cook County to be elected from the City of Chicago, was ineligible as a Harold Washington Party candidate since he was defeated in his March 20, 1990 candidacy to be the Democratic Party nominee for President of the Board of County Commissioners of Cook County. Consequently, the pertinent provisions of §10-2 of the Election Code would bar such candidacy, and Mr. Pincham, therefore, filed a false statement of

candidacy averring that he was qualified to run as a candidate of the Harold Washington Party.

e. Paragraphs 5 & 6 of the Objectors' Petition made allegations as to specific signature objections and requested that a binder check be conducted.

6. On August 29, 1990, the Electoral Board issued its rulings; a copy of this decision is attached hereto as Exhibit A.

7. The Electoral Board granted the motion of the Harold Washington Party to strike the objections dealing with the "failure to file a full slate" (par. 1 of the Objectors' Petition), finding that there was no obligation to include judicial candidates on the Nomination Papers to form a new political party in the County of Cook.

One member of the Electoral Board dissented, stating "that failure to include judicial candidates violated the complete slate requirement. Thus, I would find these Nomination Papers invalid as well."

The majority of the Electoral Board erred in not invalidating the Nomination Papers for failure to include a slate of judicial candidates for all offices to be filled in the Cook County political subdivision and for further failure to field the requisite judicial candidates in each of the two districts within the County of Cook, as required by §10-2 of the Election Code.

8. Regarding the failure of the suburban component of the petition to contain on its face the requisite 5% or 25,000 signatures (paragraph 2 of the Objectors' Petition), the electoral board concluded that: "Since the objectors have demonstrated cause to find the nomination papers of the HWP candidates for suburban commissionerships . . . offices invalid, the objections are sustained, . . . "

Objectors however, alleged that the entire set of nomination papers must be deemed invalid, when a component of said nomination papers is invalid.

The electoral board committed error in not enforcing the requirement of §10-2 of the Election Code that the entire petition, *including each of its district components,* must be signed by the requisite member of registered voters. Specifically, having deemed the suburban component of the Nomination Papers invalid, the Electoral Board was obligated to invalidate the Nomination Papers in their entirety and to strike *all* Harold Washington Party candidates from the ballot.

9. As regards objection #3, the electoral board, with one member dissenting, granted the motion of the Harold Washington Party to dismiss the objection that the name "Harold Washington Party" could not be used by the new political party, The Board majority entered this ruling, even though it expressly found that:

> "Section 10-5 prohibits new political party petitions for nomination from bearing the same name as, or including the name of, any established political party as defined in Article 10."

And:

> " . . . the Board finds that the prohibition of §10-5 does extend to the County HWP candidates now before this Board, since the HWP is an established party as defined by Article 10."

And yet, the Electoral Board still refused to apply said prohibitions in § 10-5 to the Nomination Papers, Under the theory that authorization was received from a former candidate. The Petitioners submit that this ruling is in error; that the Nomination Papers should have been invalidated and all candidates should have been stricken from the ballot.

10. In paragraph 4 of the Objections, Petitioners attacked R. Eugene Pincham's eligibility as a Harold Washington Party candidate for County Board Commissioner and alleged a false statement of candidacy in connection therewith. The Electoral Board concluded that since Mr. Pincham won the Democratic Primary for County Commissioner, there was no prohibition against his "switch(ing) parties". The Electoral Board further erroneously found that the "sore loser" statute, although clear and unambiguous, would only have prohibited Mr. Pincham from seeking election as a Harold Washington Party candidate for the office of President of the Board of County Commissioners.

    The Electoral Board erred by misinterpreting the express provisions of §10-2 of the Election Code so as to permit Mr. Pincham, a candidate who was defeated in the Democratic party Election, held on March 20, 1990, to be a Harold Washington Party candidate at the general election.

11. The Petitioners, for the purpose of this action, do not seek judicial review of the Electoral Board rulings relative to paragraphs 5 and 6 of the Objectors' Petition.

12. The Petitioners seek review of each of the Electoral Board rulings identified above, which Petitioners maintained are arbitrary and erroneous as a matter of law, with the exception of those rulings identified in paragraph 11 of this Petition.

WHEREFORE, Petitioners pray that this Honorable court review said rulings of the Electoral Board and reverse or modify the aforesaid rulings, as the case may be, and enter judgment that the Nomination Papers of the Harold Washington Party and that the nomination of all candidates appearing thereon be declared invalid and further enter judgment that the name of the Harold Washington Party and the names of all candidates listed on the

Nomination Papers *not* appear on the November 6, 1990 General Election ballot.

/s/ George N. Leighton
George N. Leighton
Attorney for the Petitioners

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* * *

[Copy Of Electoral Board Decision, attached as an exhibit, omitted in printing.]

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION

BARBARA J. NORMAN, JANICE H. ROBINSON, DONALD PAMON, HELDIA R. RICHARDSON, TOMMY BREWER, CHARLES W. ALEXANDER, DOROTHY C. HOGAN, WILL LAWRENCE, KENNETH G. HOPKINS, R. EUGENE PINCHAM, ROBERT E. PINCHAM, JR., PERCY V. COLEMAN, VIVIAN D. STEWART-TYLER, JAMES DEANES, DINO F. McNEAL, MARY KING CRISS, DAVID T. PERSONS, HELEN E. JONES, ROBERT E. BROOKS, JR., MELLO SAM H. CLORA, JUDY MARIE HAWTHORNE, CHESTER LeSURE, CELIA DUNCAN, DON C. PASSMORE, JR., and BOBBIE J. SMITH Petitioners -vs- STANLEY T. KUSPER, JR., AURELIA PUCINSKI and ERNESTO D. BORGES Constituting the COOK COUNTY OFFICERS ELECTORAL BOARD; and DOROTHY REED, VALERIE A. SUTTON, PATTON L. FEICHTER, ERVIN S. RICKS, and DAVID BARRERA Respondents	No. 90 CO 00244

PETITION FOR JUDICIAL REVIEW OF ELECTORAL BOARD DECISION 90 COEB-2

NOW COME the petitioners, BARBARA J. NORMAN, JANICE H. ROBINSON, DONALD PAMON, HELDIA R. RICHARDSON, TOMMY BREWER, CHARLES W. ALEXANDER, DOROTHY C. HOGAN, WILL LAWRENCE, KENNETH G. HOPKINS, R. EUGENE PINCHAM, ROBERT E. PINCHAM, JR., PERCY V. COLEMAN, VIVIAN D. STEWART-TYLER, JAMES DEANES, DINO F. McNEAL, MARY KING CRISS, DAVID T. PERSONS, HELEN E. JONES, ROBERT E. BROOKS, JR., MELLO SAM H. CLORA, JUDY MARIE HAWTHORNE, CHESTER LeSURE, CELIA DUNCAN, DON C. PASSMORE, JR., and BOBBIE J. SMITH, by their co-counsel, Roosevelt Thomas and Nathaniel House, Jr., and petition this Honorable Court, pursuant to Ill. Rev. Stat. Ch. 46, Sec. 10-10.1 for Judicial Review of the August 29, 1990 decision of the Cook County Officers Electoral Board sustaining in part, the objections of respondents to the Nominating papers of the Harold Washington Party and its Candidates for county wide office and members of the Board of Cook County Commissioners outside the City of Chicago. In support of this petition, Petitioners state as follows:

1. On August 13, 1990, certain objectors filed six objections to the Nominating Papers of the Harold Washington Party. Among these objections was objection no. [sic] 5 and 6, which stated that every one of the signatures filed by the Harold Washington Party was invalid. On August 20, 1990, Petitioners filed their Motion to Strike and Dismiss objections 5 and 6 because they were "manifestly, and obviously prima facie flagrantly fraudulent." On August 29, after an evidentary [sic] hearing on this issue, the Electoral

Board granted the Petitioners' Motion to Strike and Dismiss objections 5 and 6 because these objections were prima facie fraudulent. The fraud in objections 5 and 6 permeates the entire petition of objections filed by the objectors, and therefore the entire petition of objections should be dismissed.

2. The Electoral Board entered an order filing the nominating papers of Robert E. Brooks, Jr., Mello Sam H. Clora, Judy Marie Hawthorne, Chester LeSure, Celia Duncan, Don C. Passmore, Jr., and Bobbie J. Smith, as candidates for the Cook County Board of Commissioner to be elected from outside the City of Chicago. This ruling is in error. The Harold Washington Party maintains that: a) That the Party filed more than 60,000 valid signatures; b) It is unconstitutional to require the Harold Washington Party to gather more signatures to field County candidates than it would need to field a slate of candidates for State-wide office; c) It is impermissible to impose geographic/minimum signature requirements; d) The vague election code should be construed to permit the party to field its candidates; and e) The party has demonstrated a modicum of support and deserves to be on the ballot.

3. In regard to the use of the Harold Washington Party name, the Petitioners concur with the decision of the majority of the Electoral Board that the Harold Washington Party name can be used for the November election. However, the Petitioners do not concur with the finding of the Electoral Board when they found in their written opinion that the prohibition of Sec. 10-5 does extend to the County Harold Washington Party. Notwithstanding the proper ruling of the Board, the Petitioners and Board Chairman Kusper (see footnote 10 of Board's Decision) maintain that permission was not needed because there is no established Harold Washington Party in the political subdivision of Cook County.

WHEREFORE, Petitioners pray that this Honorable Court review said rulings of the Electoral Board, and reverse or modify the aforesaid rulings, and enter judgment that entire objector's petition be dismissed, allow the County-wide Commissioners to appear on the ballot for the November 6, 1990 General Election and for such other and further relief as this court deems just.

Roosevelt Thomas, one of the attorneys for petitioners

Roosevelt Thomas
1 N. LaSalle Street
Suite 2065
Chicago, Illinois 60602
(312) 641-0860
Atty. No. 21412

* * *

[Copy of Electoral Board Decision, attached as an exhibit, omitted in printing.]

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

DOROTHY REED, et al., Petitioners-Appellees, v. STANLEY T. KUSPER, JR., et al., Respondents-Appellants, v. BARBARA J. NORMAN, et al., Petitioners-Appellants, v. STANLEY T. KUSPER, JR., et al., Respondents-Appellees.	)	NO. 1-90-2708

ORDER

This cause coming to be heard on Respondents-Appellants' motion to stay the enforcement of the order of the circuit court to print the ballots for the November 6, 1990 election without the name of the Harold Washington Party, and the court being fully advised in the premises;

IT IS HEREBY ORDERED that the order of the circuit court entered on September 20, 1990, requiring that the ballots for the November 6, 1990 election be printed without the Harold Washington Party or its candidates appearing on the ballot, be and is hereby stayed until further order of the Appellate Court.

ORDER ENTERED
SEP 26 90

Dom J. Rizzi
Justice

William S. White
Justice

Justice

SUPREME COURT OF THE UNITED STATES

No.
A-309

BARBARA J. NORMAN, ET AL.,

Petitioners

v.

DOROTHY REED, ET AL.

ORDER

An Emergency Petition for Stay of Enforcement of Decision of the Illinois Supreme Court filed October 12, 1990 and for Temporary Restraining Order and injunction has been filed with me in my capacity as Circuit Justice.

Because the Emergency Petition raises a federal constitutional question of sufficient substance to merit the attention of the full Court, I have decided to order that the status quo be maintained for a sufficient period of time to enable this Court to review the matter. The mandate of the Illinois Supreme Court is therefore stayed or, if necessary, recalled, pending further order of this Court.

IT IS SO ORDERED.

/s/ John Paul Stevens
Associate Justice of the Supreme
Court of the United States

Dated this 22nd
day of October, 1990.

SUPREME COURT OF THE UNITED STATES

THURSDAY, OCTOBER 25, 1990

ORDER IN PENDING CASE

A-309 BARBARA J. NORMAN, ET AL. V. DOROTHY REED, ET AL.

The application for stay presented to Justice Stevens and by him referred to the Court is granted to the extent that the August 29, 1990 decision of the Cook County Officers Electoral Board, No. 90COEB-2, is to remain in effect pending the timely filing and disposition of a petition for a writ of certiorari.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

May 20, 1991

Mr. Burton Stephen Odelson
Special State's Atty-Cook Cty.
3318 West 95th Street
Evergreen Park, IL 60642

Re: Barbara J. Norman, et al.
v. Dorothy Reed, et al.
No. 90-1126
Cook County Officers Electoral Board, et al.
v. Dorothy Reed, et al.
No. 90-1435

Dear Mr. Odelson:

The Court today entered the following order in each of the above entitled cases:

The motion of Independent Voters of Illinois-Independent Precinct Organization for leave to file a brief as amicus curiae in No. 90-1126 is granted. The petition for a writ of certiorari is granted. The cases are consolidated and a total of one hour is allotted for oral argument.

Very truly yours,
/s/ William K. Suter
William K. Suter, Clerk